Elena Condrea¹ CORRUPTION AS A MAJOR SUPPORTER OF UNDERGROUND ECONOMY IN ROMANIA

Due to its manifestation forms (bribery, trading in influence, abuse of power, abuse of office etc.) the context in which the act of corruption takes place, this component of underground economy is very difficult to measure. To assess the corruption phenomenon in Romania, relevant are the results of the Global Corruption Barometer of Transparency International, which provides a very useful image of the opinions, attitudes and experiences that general public has, globally, in relation to corruption, and respectively the estimates of the Corruption Perception Index. It is also important to analyze the relationship of underground economy and corruption, through the manifestation of the effects of corruption on the development of other components of the underground economy matrix or underground economy as a whole.

Keywords: corruption, bribery, underground economy, anticorruption measurements, ethics. **JEL:** D73, E26, O17, H26.

Олена Кондреа

КОРУПЦІЯ ЯК ГОЛОВНЕ ДЖЕРЕЛО ТІНЬОВОЇ ЕКОНОМІКИ В РУМУНІЇ

У статті описано форми прояву корупції (хабарництво, зловживання впливом у корисливих цілях, зловживання владою, перевищення посадових повноважень і т. д.) і обставини, в яких відбуваються акти корупції. Доведено, що цей чинник тіньової економіки дуже важко виміряти. Для оцінювання феномену корупції в Румунії важливими є показники Барометру світової корупції від Transparency International, які є набором думок, ставлень і досвіду широкої громадськості, у глобальному масштабі, відносно корупції і, відповідно, оцінки індексу сприйняття корупції. Важливо також проаналізувати взаємозв'язок тіньової економіки і корупції через вплив корупції на розвиток інших компонентів тіньової економіки та тіньову економіку в цілому.

Ключові слова: корупція, хабарництво, тіньова економіка, антикорупційні заходи, етика. **Таб. 1. Рис. 2. Фор. 1. Літ. 22.**

Елена Кондреа

КОРРУПЦИЯ КАК ГЛАВНЫЙ ИСТОЧНИК ТЕНЕВОЙ ЭКОНОМИКИ В РУМЫНИИ

В статье описаны формы проявления коррупции (взяточничество, злоупотребление влиянием в корыстных целях, злоупотребление властью, превышение должностных полномочий и т.д.) и обстоятельства, в которых происходят акты коррупции, доказано, что этот фактор теневой экономики очень трудно измерить. Для оценки феномена коррупции в Румынии важны показатели Барометра мировой коррупции от Transparency International, которые представляют собой набор мнений, отношений и опыта широкой общественности, в глобальном масштабе, относительно коррупции и, соответственно, оценки индекса восприятия коррупции. Важно также проанализировать взаимосвязь теневой экономики и коррупции через влияние коррупции на развитие других компонентов теневой экономики и теневую экономику в целом.

Ключевые слова: коррупция, взяточничество, теневая экономика, антикоррупционные меры, этика.

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¹ PhD, Professor, Vice-Dean, Faculty of Economics Sciences, Ovidius University of Constanta, Romania.

Introduction. Today, it can be argued that corruption is a scourge that knows no boundaries and the conditions were never more favorable than today for its proliferation (supported by a complex of economic, institutional, political, social and moral factors).

Worldwide, corruption manifests itself (Stoleru, 2011) both as tolerated behaviors (tips, gift giving) and in the form of events blamed by society (theft, nepotism, patronage, clientelism favoritism, cronyism site) or as the facts which are punishable by criminal law of most states (bribery, influence peddling, money laundering, fraud, embezzlement, extortion, conflict of interest, fiduciary risk).

Globalization of economic exchanges, rapid growth of foreign investments, sale of their assets by the post-communist countries; the tendencies of major economic powers and multinationals to seize resources supported by various investment funds, the tendency to seize and monopolize new markets are the factors that explain the unprecedented size of corruption, particularly in the countries characterized as poor or developing.

Study on the development of the phenomenon of corruption started developing in Romania only in 1996. "Law 115/1996 regarding the declaration and control of the fortunes of officials, magistrates, civil servants and people in leadership positions can be interpreted as the birth certificate of public policy against corruption in Romania and the adoption of Law 78/2000 on preventing, discovering and sanctioning corruption can be interpreted as the capacity graduation exam" (TOTEM Communication, 2012).

From 2000 until now, there have been developed and approved to be implemented 4 sets of strategic documents (anticorruption NAS 2001, 2005, 2008 and 2012), and over 150 pieces of legislation aimed at preventing and fighting corruption, and sanctions in case of finding corruption phenomenon.

Literature review. Regarding the concept of corruption, we can say that over time there have been made numerous definitions, often very different, expressing, in fact, the view of the author's area of specialization. Thus, we find definitions centered on public function, free market and public interest.

According to Rose-Ackerman and Soreide (2011) the economic approach to this phenomenon best highlights the situations where widespread corruption determines the party that wins the benefits arising and those bearing the costs, especially in states under transition.

In the paper "Corruption in Romanian Criminal Law" Dobrinoiu (1997) states that corruption "in the most popular and commonly used sense, in effect, is the abuse of power for personal gain."

Arguably, for criminal organizations that have large amounts of money, "corruption is a kind of production cost for the illegal provided services or facilities or for the silence and passiveness of law enforcement officials" (Luciano Violente, President of Chamber Deputies, Italy, Speech at the Conference of Presidents of Parliamentary Assemblies, Trieste 1997, cited in Filipescu, 2011).

Dreher and Gassebner (2007, cited in Dreher, Kotsogiannis and McCorriston, 2011), and Meon and Weill (2008, cited in Dreher, Kotsogiannis and McCorriston, 2011) argue in their study that in most countries "corruption can grease the wheels in the rigid administration public".

From the legal point of view, corruption "represents those limiting actions regulated by law, as well as accepting and soliciting bribes, receiving undue benefits, trading in influence and so on, constitutes the illegal activities performed for material or moral advantage, of some high social or political positions" (Dictionar juridic online).

Merriam Webster Dictionary defines corruption as "breach of integrity, virtue, a moral principle given; inciting a harmful event by using improper or unlawful means (as bribery)."

Le Petit Robert (Danilet, 2009) reduces corruption's definition to bribery: "Corruption is the use of reprehensible means (tip, lubrication, bribes) to cause someone to act against his or her duties, conscience".

In its strategy "Fighting Corruption to Improve Governance "(1998), the United Nations Development Program defines corruption as the abuse of public power, office or authority for the private benefit — through bribery, extortion, influence peddling, speed money (sums of money given to speed up certain bureaucratic procedures) or embezzlement" (Danilet, 2009).

The International Monetary Fund (2005) considers corruption as "a concept narrower than governance" and defines it as "abuse of authority and public trust for private benefit".

In the opinion of other specialists (Parlagi, Profiroiu and Crai, 1999), "Corruption can be defined as:

$$C = M + Pd - R$$

where: C is corruption, M is monopoly, Pd is discretion, and R is responsibility".

Another aspect located in the sight of the specialists studying the phenomenon of underground economy is the relationship "underground economy — corruption". From the theoretical perspective, most experts consider that underground economy and corruption can be either complementary or substitutes. In this regard, Choi and Thum (2004) and Dreher, Kotsogiannis and Mc Corriston (2011) present the models showing that 2 phenomena are substitutes (through their models they show that the existence of underground economy reduces the officials' tendency to graft). In contrast, Johnson, Kaufmann and Zoido-Lobaton (1998), Hindriks, Keen and Muthoo (1999) believe that underground economy and corruption are complementary. In the model developed by Johnson, Kaufmann and Zoido-Lobaton in these studies (investigating the phenomenon in 49 countries), corruption increases underground economy, so that corruption is seen as a particular form of tax and regulation. Hindriks, Keen and Muthoo support the complementarity relationship based on the idea that taxpayer unlawfully agrees with the inspector who comes in control (on receipt of unfair advantage, he made a report taxpayer's tax liability). Regardless the type of relationship between economy and corruption, where there is corruption there is also dirty money and vice versa (Katsios, 2006), there is underground economy.

The analysis of this phenomenon shows that the main forms taken by corruption are: accepting, soliciting or giving bribe, influence peddling, favoritism, theft of public property, creating damage to state property expense, abuse of office, and occurs mainly in the areas where one has a monopoly on any good or service or exercises a discretionary power about it.

To the emergence and development of this phenomenon contribute multiple causes and factors, including: low salaries of civil servants and their desire to obtain higher incomes, excessive bureaucracy, the desire to achieve objectives/purposes by any means, even illegally; inequity in terms of revenues, inefficient public management, faulty, ambiguous institutional regulations etc.

Legally, there are many types of corruption, namely (Dictionar juridic online):

- Professional corruption;
- Economic corruption or economic-financial or business crime;
- Political corruption, including activities such as illegal funding of election campaigns, promotion, especially in governmental functions, only of people on political grounds.

Another approach to the phenomenon of corruption highlights the taxonomy of main types of corruption with the main reference item being tax administration (Ene, 2010), it is:

- Bureaucratic corruption involving, as a rule, public officials who are in the "front-office" dealing directly with taxpayers. Can occur in two forms:
- Public employee discovers irregularities on the performed inspection and, therefore, in order not to be punished according to the law, a taxpayer tries to bribe officials:
- The taxpayer pays periodically the so-called "premium" to a public official to obtain protection.
- Political and administrative corruption considers situations where a taxpayer, using his political influence, provides himself special tax treatment;
- Political legislation corruption refers to the cases when a taxpayer provides himself greater "legitimacy" with politics;
- Juridical bribery occurs when legal system (usually poorly motivated from the financial point of view) is dependent on the government in power.

Some experts in the field (Peter Langseth, 2006; Rose-Ackerman, 2000) speak in their work about "grand corruption" and "petty corruption". "Grand corruption" is the corruption that permeates the highest levels of national government, leading to a broad erosion of confidence in good governance, law and economic stability (Rose-Ackerman, 2000, cited in Langseth, 2006). "Petty corruption" can involve the exchange of very small amounts of money, granted for minor favors to those seeking preferential treatment or hiring friends and relatives in minor positions. The most critical difference between high and low corruption is that the former involves distortion or corruption of central government functions, while the latter develops and exists in the context of established governance and social frameworks (Langseth, 2006).

In conclusion, corruption includes breach of duties related to public officials and legal failure by companies with a high degree of social danger, with profound negative consequences for the entire social system.

Fundamental elements on which corruption is based on are: the existence of two parts in the process of corruption, abusive use of function or quality that one of the parties has, providing an illegal advantage between parties, facilitating an advantage to the one offering.

The research methodology. From those mentioned above, as well as the data provided by various institutes/institutions/bodies of control, and respectively the studies of experts, in this paper I set out to answer the following questions:

- What is the level of corruption in our country?
- What are the most corrupted sectors, institutions in Romania?
- How is corruption perceived in Romania by public opinion?
- What is the public opinion on the work of officials in Bucharest, the institutions involved in preventing and combating corruption?

Empirical analysis and results. One of the non-governmental organizations very active in the fight against corruption is Transparency International (TI), which main objective is prevention and combating corruption at the national and international levels, in particular through research, documentation, information, education and public awareness.

The most important indicators of TI used in assessing corruption are:

- Corruption Perception Index (CPI) which ranks 150 countries by the degree to which the existence of corruption is perceived among public officials and politicians. It is based on the data concerning corruption in the specialized surveys conducted by several independent and reputable institutions.
- Global Corruption Barometer (GCB) the largest public opinion survey conducted every year worldwide to investigate how corruption affects daily lives of ordinary people.
- Bribe Payers Index (BPI) survey which evaluates the offer of corruption in international business transactions and the predisposition of companies in industrialized countries to bribe outside the country of origin.

According to Transparency International (2010), public opinion on corruption has a very important role in assessing this phenomenon internationally.

The Barometer examines public opinion on corruption in the countries, but also the efforts governments make to fight it. In 2010 the Barometer also pursued the frequency of bribery, the reasons for which respondents reported paying a bribe in the past year and the attitude of public to reporting corruption.

The main results of the Barometer 2010 (Transparency International, 2010) are:

- The level of corruption in different countries is seen as increasing in the last 3 years;
- Approximately 17% of those surveyed considered that corruption has increased over time:
- The largest increase in corruption is perceived by the respondents in the European Union and North America;
- According to the respondents, the most corrupted institutions in the world are identified with political parties (8 out of 10 respondents believe political parties to be corrupt or extremely corrupt);
- After the level of corruption perceived by the respondents, the corrupt institutions are the following: public administration, justice, parliament and police;
- Comparing the Barometer results for 2003-2010 it appears that, over time, public opinion on corruption in political parties has deteriorated, while the opinion on the corruption at the level of justice has improved;

- The experience of petty corruption is still widespread and remains unchanged compared to 2006;
- According to the responses, police have the largest increase in bribery over time; it is identified as the most frequent recipient of bribes in 2010;
- Of the respondents who give bribes, the most numerous are those with lower incomes;
- The most common reason for giving bribes is to avoid/resolve problems with authorities;
- More than half of the respondents believe the measures taken by government against corruption are ineffective;
- Very few respondents have confidence in formal institutions created to fight corruption; the majority believes that media or government have the ability to fight against corruption;
- Approximately 75% of the respondents believe that public opinion has a very important role in the fight against corruption and that they will be involved directly in this fight, especially by reporting corruption cases encountered (especially among the respondents from America and Europe).

Considering the results of the Global Corruption Barometer 2010, it is clear that public wants to be involved in the fight against corruption, but that without government involvement, public authorities, there is no possibility to reduce the level of this phenomenon destructive to society.

Estimation of corruption in Romania. It can be said that at present in Romania we are witnessing an accelerated development of corruption in all fields, especially in politics and public service. The analysis of this phenomenon shows that the main forms taken by corruption in our country are accepting, soliciting or giving bribe; influence peddling; favoritism, creating damage to state property expense; abuse of office.

As in most other states, in Romania, the emergence and development of corruption is due to multiple causes and factors, including: low salaries of civil servants and their desire to achieve higher revenues; excessive bureaucracy; individual desire to achieve objectives by any means; ineffective public management; ambiguous institutional regulations; desire to "get away" unpunished, without suffering the consequences of disrespecting laws or other regulations etc.

Existence of corruption has negative impact on all relevant indicators in terms of a country's level of development: economic growth, domestic and foreign investment, poverty etc. directly influencing the relationship between formal and underground economy (Katsios, 2006). This is true for Romania as well.

Corruption affect the access and quality of public services directly resulting in reduced revenues and discouraging people to pay them or appeal to them, creating the premises for participation in activities within underground economy.

Relevant for assessing the corruption phenomenon are the results of the Global Corruption Barometer of Transparency International, which provides a very useful image of the opinions, attitudes and experiences that general public has, globally, regarding corruption.

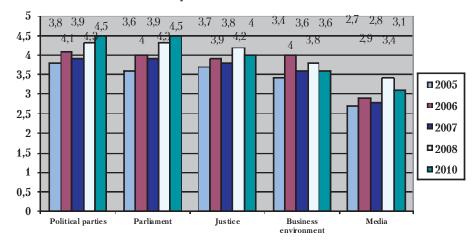
For the analysis conducted in 2010 there were interviewed more than 91,500 people in 86 countries, making it the largest and most comprehensive edition since its launch in 2003.

In 2010, the questionnaire developed during the execution of the Barometer also contained questions on bribes; it followed the frequency of bribery, the reasons for which the respondents reported paying a bribe in the past year and attitude of public to reporting corruption.

In 2010, as in previous years, political parties and legal system/parliament, followed closely by justice, are seen as the most corrupt institutions in Romania, for the first two sectors the score of 4.5 points being recorded, and for justice 4 points (the scoring system is 1 to 5, where 1 means "not at all corrupt" and 5 — "totally corrupt").

The evolution of corruption in some of the institutions in Romania in 2005-2010 (excluding 2009, when insufficient data was collected) can be seen in Figure 1.

In this chart are only some of the sectors affected by corruption; for other sectors there was no data for all the years taken into consideration.



Source: Transparency International, 2011. Barometrul Global al Coruptiei. Evolutia Romaniei in perioada 2005-2010. pg.5. [Global Corruption Barometer. The evolution of Romania during 2005-2010, in Romanian] Figure 1. Evolution of corruption in the institutions in Romania, 2005-2010

To get a complete picture of the evolution of corruption in Romania, in Table 1 the Barometer results are presented for the institutions/sectors that could not be caught in graphics.

It is noted that, unfortunately, healthcare and police that should make us feel safe, are perceived to be equally or almost as corrupt as justice and business.

The Barometer reveals, however, that the Romanians gave bribes especially for medical services (approximately 22% of the respondents), police (13%) and judiciary (6%), these sectors are also on the leading positions after the data processing by Global Corruption Barometer (Figure 1, Table 1).

The results presented by the Barometer are supported by IPC values for Romania.

In 2011 the Corruption Perception Index ranks Romania 75 of 183 countries analyzed, respectively 25th place among 27 European Union countries, with the score of 3.6 points out of 10, followed only by Greece (3.4) and Bulgaria (3.3), the

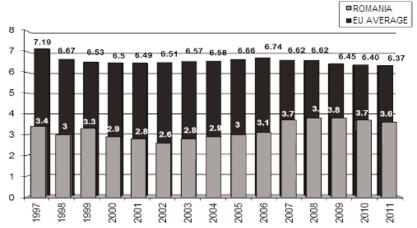
countries where discontent escalated into violence (Transparency International Romania, 2011).

	Police	Education system	Medical services	Permit recording / releasing offices	State incomes	NGOs	Utilities	Army	Religious organizations	Customs	Public officials	Religious cults
2010	3,9	3,1						2,4			3,8	2,3
2007	3,7	3	3,7	2,9	2,6	2,6	2,4	2,4	2,2			
2006	3,6	3,2	3,8	2,8	2,2	2,9	2,3	2,5	2,3	3,8		
2005	3.6	2.9	3.6	2.9	2.4	2.5	2.5	2.4	2.1			

Table 1. Evolution of corruption in the institutions / sectors in Romania, 2005-2010

Source: Transparency International, 2011. Barometrul Global al Coruptiei. Evolutia Romaniei in perioada 2005-2010. pg 10. [Global Corruption Barometer. The evolution of Romania during 2005-2010. pg.10, in Romanian]

A comparative study of Corruption Perception Index in Romania and respectively the average CPI for the member states of the EU during the period 1997-2011 (for Romania, CPI was calculated for the first time in 1997), is shown in Figure 2.



Source: Transparency International Romania, 2011. Evolutia statelor membre ale Uniunii Europene in ultimul an de evaluare a Indicelui de Perceptie a Coruptiei (CPI). pg.2.

Figure 2. Evolution of the Corruption Perception Index in Romania vs. the EU average, 1997-2011

The analysis of CPI shows that Romania was the member, from 2000 to 2005, of the group of countries where corruption is perceived as widespread (CPI had values less than 3). In 2005-2009 we witnessed a slight increase in CPI, but 2010 and 2011 are characterized by the decrease in annual CPI by 0.1 percentage points, which means that corruption is perceived to be increasing.

It should be noted that the Corruption Perception Index has drawn criticism over time (there were recorded inclusively referrals for abandoning the use of this indicator). "As a source of quantitative data in the international data gap, CPI can take a life of its own, which marks comparisons between countries and periods that

the CPI authors themselves admit are not justified by methodology. Although the debates about the validity of IPC are many, this tool has gained a dominant position in analyzes of corruption, being used as reference in all countries when strategies anticorruption are developed or as an indicator for business community. Even critics admit that CPI has been instrumental in raising awareness and stimulating debate about corruption" (Stoleru, 2011).

Given the extremely poor results highlighted by the Global Corruption Barometer and the Corruption Perception Index, Transparency International Romania (2009, 2011) "drew attention to the need for the anticorruption reforms transposition of a purely formal framework into concrete and tangible and sustainable results".

A high level of corruption in our country is noted in the reports of the European Commission, by some international organizations, but also in the studies by public institutions or NGOs.

Thus, the Report on Verification and Cooperation Mechanisms presented by the European Commission in July 2011 about Romania stated: "Registration of the results in the fight against corruption depends on political will and commitment of the judicial authorities ... Urgent action must be taken to expedite the resolution of a number of high-level corruption cases and to avoid their closure due to expiration of limitation period" (Comisia Europeana, 2011).

Also, the European Commission reports show that anticorruption strategies adopted by the institutions in Romania in recent years are largely consistent with those of others existing in the EU countries, but major deficiencies are recorded in Romania in implementing the measures included in these strategies in the legislation on combating corruption (Radu and Gulyas, 2010).

Conclusions. Although in recent years some state institutions, particularly the Ministry of Administration and Interior have implemented certain measures/public policies to simplify administrative procedures (the deadline for release of some documents such as identity card, driving license, passport, criminal record, registration of vehicles etc.), which led to a considerable reduction of corruption in the respective structures, there are many sectors where corruption is high or very high.

One can say that the Romanians are disappointed by the ineffectiveness of the authorities to protect them from corruption, be it abuse of public resources, bribery, undue influence, decision-making in secret, and the lack of interest and efficiency in discovering — sanctioning existent corruption.

For the strategies to combat corruption in Romania to have the desired effect, greater emphasis should be placed on the policies to prevent the occurrence of this phenomenon, as was the case with MAI, to have a better cooperation between all state institutions involved in eradicating this phenomenon.

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