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A STUDY OF THE MAIN CAUSES AND FACTORS THAT GENERATE CORRUPTION¹

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ABSTRACT

This article presents a brief study of the main causes of corruption in the context of democratic societies and its purpose is to contribute to its recognition and analysis. Under the assumption that corruption is a social phenomenon that generates significant damage to democracy, the economy and human rights, it is necessary to study it from different perspectives in order to understand and identify it and to provide better conceptual tools for the design of strategies to address it adequately. In this context, the identification and study of the causes and factors behind corruption can be useful to develop tools and public and legislative policies to address it.

KEYWORDS

Corruption; Causes and Factors that generate corruption; Democracy; Human Rights.

Summary: I. Introduction. II. Approach to the concept of corruption. III. Causes or factors that generate or affect corruption. 1. Causes or factors of an institutional nature that generate or facilitate corruption. 2. Causes or factors of a cultural nature that generate or facilitate corruption. 3. Structural causes that generate or affect corruption. IV. Conclusions. Bibliography.

I. INTRODUCTION

Corruption has always been present in human societies. However, in recent years and in the context of information and knowledge societies, there has been a greater awareness of it and its effects on the part of public opinion and a particular interest of academic centers, researchers, journalists and international organizations in studying it, understanding it, determining its causes and effects and raising awareness of the serious damage it entails for democracy. human rights and the economy, as well as contributing to their necessary combat.

In this study we will specifically address some of the main causes and factors that produce corruption or facilitate its occurrence. The study of the causes and factors that affect and facilitate corruption in democratic societies is an exercise that remains important, since only from the identification and establishment of them

is it possible to propose remedies and strategies that allow combating it with the highest degree of success and efficiency possible.

In this work we will not be in charge of dealing in a deep way with important issues such as the concept of corruption, typologies and effects. In any case, in order to provide methodological coherence to this presentation, we will begin by assuming a sufficiently general concept of corruption that serves to account for the different types of corruption identified by the doctrine (administrative corruption, political corruption, corruption between private parties, etc.).

Once the concept of corruption on which we will build this work has been established, we will analyze some of the main causes and factors that according to the doctrine generate or at least contribute to the development of corruption. We have grouped these causes and factors into three categories. Institutional, cultural and structural causes and factors. Of course, this typology does not exhaust the classification of the causes and factors that generate corruption, but it allows us to expose them in a systematic way.

Before beginning the development of this exposition, it should be noted that the study of the causes or factors that generate or affect corruption is particularly complex since it is very common for the same circumstance to be at the same time a cause and factor of corruption and an unintended consequence of it. For example, poverty. Poverty breeds corruption and corruption breeds poverty. Something similar happens with the feeling of impunity in people who work in the public or private sector where the corrupt act occurs. Thus, the greater the sense of impunity, the more corruption and the more widespread it is, the more favorable environments there will be that encourage taking the risk of behaving corruptly.

II. APPROACH TO THE CONCEPT OF CORRUPTION

Providing a widely accepted concept of corruption is a particularly complex task. Perhaps it is its secret and elusive nature that makes it difficult to know more precisely the dynamics associated with it, as well as all its characteristics and particularities, which makes it difficult to develop concepts that are accepted by

the different legal, political, social and ethical traditions². In short, “when we refer to corruption we all know more or less what we are referring to, but it is difficult to formulate an explicit definition” (Fernández, 1999, p. 9). This statement is still valid, in fact, several subsequent studies corroborate it³.

Within the various definitions that are proposed of corruption there are some that revolve around the figure of the corrupt subject, assimilating it with an official or administrative or political authority, some are built on the basis of the transgression of legal norms of a criminal nature that typify corrupt conduct, in such a way that corruption is all that conduct described as such in the criminal law and sanctioned by it. Some are elaborated in the light of the context in which these behaviors are executed, such as administrative corruption, political corruption, corporate corruption, corruption in sport, etc.

Thus, emphasizing the figure of the corrupt agent and character of public servant, it has been argued that corruption “is the phenomenon by means of which a public official is driven to act differently from the normative standards of the system to favor particular interests in exchange for a reward” (Bobbio, Matteucci and Pasquino, 2000, p. 377). The problem with this type of concept is given by its reductionism, since this character does not allow to explain the phenomenon of modern corruption, which is characterized by its occurrence not only within the structure of the State but also in the private world. On the other hand, it circumscribes the conceptualization of the phenomenon to the receipt of a reward and this is not necessarily the case, since many times the corrupt act is done for the benefit of another natural person (friend, relative, acquaintance) or a legal person (political party, guild, association, etc.).

² Concepts of corruption based on various disciplines such as law, economics, political science, sociology and ethics can be consulted in: Villoria, M. (2006). Political corruption. Madrid: Editorial Síntesis, pp. 29-49. Also: Arjona, A.M. (2002). Political corruption: a literature review. Working Paper 02-14, Economics Series 04, Department of Economics, Universidad Carlos III de Madrid, pp. 4-13.

³ Gilli, J. J. (2014). Corruption: analysis of a complex concept. *Journal of Institutions, Ideas and Markets*, 61, pp. 39-63; Artaza Varela, O. (2016). The usefulness of the concept of corruption in the delimitation of the typical conduct in the crime of bribery. *Criminal Policy*, Vol. 11 (21), pp. 307-339; Hernández de Gante, A. (2021) A review of concepts and problems on corruption. *Diké*, 28, pp. 377-410; Torres Pachas, D. (2021). Notes on the concept of corruption. Institute of Democracy and Human Rights of the Pontifical Catholic of Peru (IDEHPUCP). Retrieved from: <https://idehpucp.pucp.edu.pe/idehpucp/idehpucp-presentacion/>.

Other authors argue that corruption consists of “the use of a public position or function for the benefit of private, private or shared interests” (López, 1997, p. 120). Although this concept recognizes that the objective of corrupt conduct is to obtain benefits that go beyond the merely patrimonial, it continues to pigeonhole the phenomenon in the exercise of public office.

For the purposes of this paper we will offer a concept of corruption considering as a central element the existence of a normative system that is deliberately transgressed by the corrupt subject. In this direction, Garzón Valdés argues that the concept of corruption is logically linked to the concept of normative system, in such a way that it is not possible to speak or adequately understand the phenomenon of corruption without considering the normative framework where the corrupt act takes place (Garzón, 2003, pp. 19-44).

In this sense, there is corruption whenever there is a relevant regulatory system that is transgressed, especially by those who have decision-making or decision-making powers within the framework of a set of institutional competences and obligations. In other words, understanding corruption by emphasizing the existence of a regulatory system, in some way, “means abandoning the idea that to speak of corruption it is necessary to refer to a person who occupies an official position, that is, to an authority or, what is the same, to someone who exercises power” (Garzón, 2003, pp. 19-44). From this perspective then, corruption is incurred not only by administrative and political authorities, but also by any state official, such as a judge, for example, but also private ones, such as the general manager of a company or a referee who deliberately influences the outcome of a football match.

Along the same lines, Malem Seña defines corruption as those acts “that constitute the active or passive violation of a positional duty or the breach of some specific function carried out in a framework of discretion in order to obtain an extrapositional benefit, whatever its nature” (Malem, 2002, p. 35).

For its part, we maintain that corruption “is the set of acts of diverse nature that take place within the framework of a normative system that imposes powers and duties and that imply a transgression to these, deliberately carried out by those who are subject to it, with the purpose of satisfying interests far from those pursued by

the normative system that is violated and to which it must be subjected". Thus, corruption is characterized by the abuse or misuse of power, which can be public or private, which displaces the interest that defines the normative system that is violated, for a private benefit (personal or for a third party, which in turn can be a natural person or a legal person, such as, for example, a political party) and that weakens the institutions where the corrupt agent works.

Consequently, the elements that are present when it comes to shaping corruption, Gilli recalls citing another study, are: the search for particular benefits at the expense of a public, institutional, organizational or group good; a transgression of a current norm, therefore the intention of the corrupt in secrecy, which leads to a significant lack of transparency; the interaction between two or more actors, each with different quotas and sources of power; taking advantage of a position of power that allows certain individuals or groups to promote or be part of corruption processes, and; a damage that ultimately translates into the existence of victims even if they are not directly recognizable and their damage is diffuse (Gilli, 2014, pp. 44-45).

Regardless of the context in which the corrupt act occurs, whether in the public or private sphere, corruption undermines trust in institutions and social relations, which damages democratic institutions, the rule of law, economic stability and human rights. "Corruption reduces citizen trust in the public sector, violates the rule of law, undermines the credibility of a government and the legitimacy of democracy by being perceived by the population as facades that cover the uncontrolled enrichment of small and powerful groups" (Alcaide and Larrú, 2007, p. 38). In short, corruption compromises the ability of States to fulfil their commitments to promote, respect and guarantee human rights. In other words, "corruption deeply damages us, has negative effects on the Gross Domestic Product, affects the principles of *fair play* of the market, discredits institutions, promotes social insecurity and destroys our dignity and personal autonomy" (Cárdenas, 2018, p. 223).

In *Ramírez Escobar et al. v. Guatemala*, the Inter-American Court of Human Rights (IACtHR) exposes the link between corruption and human rights. In this case, the Court noted that States must adopt measures to effectively and efficiently prevent, punish and eradicate corruption. However, the child protection system and adoption

mechanisms in force in Guatemala at the time of the events, far from fulfilling these obligations, provided spaces for the creation of illegal adoption networks in Guatemala. The Inter-American Court stressed that international adoptions occurred in a context of corruption, in which a set of public and private actors and institutions operated with the excuse of protecting the best interests of the child, but with the real purpose of obtaining spurious enrichment at the expense of the well-being of vulnerable children and adolescents. A whole network was set up and tolerated around these illegal adoptions, which particularly affected poor sectors of the population and had a strong negative impact on the enjoyment of human rights by children and their biological parents (IACHR, 2018, para. 242). The IACHR “highlights the negative consequences of corruption and the obstacles it represents to the effective enjoyment and enjoyment of human rights, as well as the fact that corruption by state authorities or private public service providers particularly affects vulnerable groups” (Inter-American Court, 2018, para. 241). It is also emphasized that corruption not only produces these effects with respect to the enjoyment of human rights of individuals, but also makes its effects felt throughout society, to the extent that “the population’s confidence in the government and, over time, in the democratic order and the rule of law is broken” (Inter-American Court, 2018, para. 241).

III. CAUSES OR FACTORS THAT GENERATE OR AFFECT CORRUPTION

In this section we will reflect on some causes or factors that generate or affect corruption, but we must warn that this analysis will be carried out considering as a basis the existence of a democratic society and not a dictatorial regime, systems where corruption surely blends with the normal and ordinary way of exercising power. Undoubtedly, within the framework of a democracy and due to its defining elements and features, it is more feasible to combat corruption. To begin with, in the democratic framework, efficient, independent and transparent control of the exercise of power is possible. In this vein, “democracy is the only political system that provides for the independence of controls” (Lozano and Merino, 1998, p. 177). In this way, “the democratic system, due to the division of powers, the free presence of the media and especially the lifestyle that implies, is the political regime most capable of defending society against the abuse of corruption in the public

sphere” (Pacheco, 1996). These and other characteristics mean that, in general terms, corruption is more visible in democracies and therefore can be combated more effectively (Godoy, 1996).⁴ Indeed, it is stated that “democratic regimes increase the costs that actors prone to corrupt actions and relationships have to incur. In particular, high citizen participation and real competition, both continued and interested in preventing abuses by politicians and administrative officials, are observed as good control mechanisms” (Jaramillo, 2011, p. 242).

In the same vein, the European Parliament has highlighted a number of essential elements to combat corruption and which can only be developed in a democratic system, such as, for example: an adequate system of control and accountability, access to justice, obstacles to the use of undue influence, increased transparency, etc. (European Parliament, 2017).

Despite the above, we must agree that democracy in itself is not a panacea that is immune to possible distortions. Corruption can destroy it, through the breakdown of its institutions. And for this not to happen, the transparency of the exercise of power that helps the trust of civil society vis-à-vis the public is fundamental (Pacheco, 1996). That is, political responsibility that can only be made effective in democracies, “cannot be demanded without great transparency, that is, without perfect visibility of the actions emanating in the exercise of their functions” (Godoy, 1996).

So, we affirm that democracy is the political system best prepared to detect and combat corruption, but it does not always do so successfully. “It is thus worth asking which features of democratic government help limit enrichment in the public sector and which contribute to corruption” (Rose-Ackerman, 2001, p. 156). In this context, in the following pages we will address some of the causes or factors that, in a democratic political system, generate corruption.

4 Gilli, J. J. (2014). Corruption: analysis of a complex concept. *Journal of Institutions, Ideas and Markets*, 61, pp. 39-63; Artaza Varela, O. (2016). The usefulness of the concept of corruption in the delimitation of the typical conduct in the crime of bribery. *Criminal Policy*, Vol. 11 (21), pp. 307-339; Hernández de Gante, A. (2021) A review of concepts and problems on corruption. *Diké*, 28, pp. 377-410; Torres Pachas, D. (2021). Notes on the concept of corruption. Institute of Democracy and Human Rights of the Pontifical Catholic of Peru (IDEHPUCP). Retrieved from: <https://idehpucp.pucp.edu.pe/idehpucp/idehpucp-presentacion/>.

The Inter-American Commission on Human Rights (IACHR) understands that “structural corruption implies the consummation of a decision taken on the basis of a cost-benefit scheme, where the possibilities and consequences of illicit action are analyzed” (IACHR, 2019, p. 51). What factors affect the adoption of the decision to commit the corrupt act and not subject to act within the framework of the normative system to which allegiance is owed?

There are multiple and varied causes that affect the execution of corrupt behaviors, their birth and their configuration. The IACHR has distinguished two types of causes or factors: i) causes or factors of an institutional nature and, ii) causes or factors of a cultural nature (IACHR, 2019, pp. 51-53). This exhibition will take this scheme as a framework for development, without prejudice to the complements, additions and other reflections that arise.

In addition, we consider that there is a third type of cause or factor that generates corruption: they are the so-called structural causes that correspond to poverty and inequality.

1. Causes or factors of an institutional nature that generate or facilitate corruption

When referring to causes or institutional factors that generate or facilitate corruption, we are alluding to the various circumstances that are present in the political system and in the structure of the State that allow corrupt actions to occur or that these are not adequately sanctioned, either in the framework of the exercise of political power or in relations between private parties. From this point of view, laws and regulations become insufficient to prevent, control and punish corruption proportionately. These are circumstances that tend to be related to “the little delimitation between the public and the private, the existence of imprecise regulatory systems that are not adjusted to the reality of each country and the ineffectiveness of public institutions” (Paredes, 2018, p. 202).

Some of the situations that can be circumscribed in these causes or institutional factors are:

Institutional weakness that results in a malfunction of public institutions and administrative services. Laporta and Álvarez (1997, pp. 26-27) identify some of the causes that enable corruption in the framework of State administration. Some of them are: low salaries, lack of stability in the performance of positions (in the Chilean case this translates into the existence of contractual administrative positions or officials hired on a fee-based basis), absence, weakness or low probability of sanctions, either from a regulatory or social perspective, existence of conflicts of interest between those of the service and those of the official, absence of hierarchical controls or weakness in them, administrative over-regulation or inefficiency that makes it very difficult or costly to comply with rules or procedures, influence of public decisions in economic matters as a consequence of the growth of the State and the lack of competitiveness or lack of an open market that generates struggles for the obtaining of benefits or resources by the State.

Among the various causes that we have called “institutional”, the absence of effective controls is of particular importance. The State performs a series of functions aimed at achieving its aims and objectives. To this end, the organs of the State are endowed with the powers and attributions necessary to achieve these purposes and objectives, as well as the legal norms that must be respected in their exercise as a manifestation of the rule of law. Every time a State, mainly through its Constitution, “organizes the distribution of functions and activities in the institutions, it does so with the purpose that each of them fulfills its mission, but also that there are controls on the activity of each one” (Aquino, 2019, p. 91). The natural persons who make up the organs of the State are given public attributions and powers to achieve the objectives and purposes of the organ in accordance with those of the State, “but not to divert its activity and alter this purpose, but to strengthen the teleology of the constitutional mandate” (Aquino, 2019, p. 91). In this context, control is essential to ensure that the persons who make up the organs of the State are acting within the framework of the powers that have been granted to them, that their exercise is aimed at satisfying the general interest and not spurious particular interests. In this way, the control pursues a preventive purpose and seeks to avoid or at least inhibit the occurrence of corrupt acts. In addition, the purpose of monitoring is to identify irregular acts in order to take appropriate corrective measures and enforce accountability for corrupt officials. “The absence of these mechanisms of control of

legality and of audit or surveillance procedures, increases the margins of discretion, facilitates decision-making outside the law and limits accountability to citizens, creating a favorable climate for bad administrative practices” (Comptroller General of the Republic - Chile, 2020, p. 29) and also policies.

There are a number of factors that can affect that, within the framework of public management, control can be developed adequately and efficiently. Legal systems generally expressly recognize the obligation of public officials to report crimes of which they become aware, however, there are often no incentives to encourage reporting or adequately protect the whistleblower. But, in addition, the controlling agencies must be endowed with sufficient regulatory powers, as well as the human, financial, technical and technological resources to act in effectiveness and efficiency. An overwhelmed control system becomes useless to achieve its objectives and this results in greater facilities for corrupt actions to be carried out.

Another factor influencing the weakness of control systems is excessive secrecy. Corruption is born and develops in darkness, in secrecy, which is why an ideal instrument to confront it is transparency. The “spaces of administrative invisibility generate circumstances and environments conducive to the emergence of irregularities” (Comptroller General of the Republic - Chile, 2020, p. 28). Therefore, the principle of transparency of the public service is “consubstantial with contemporary democratic regimes. From a socio-political point of view, no one would probably dare to deny the profound substantive links that exist between the principle of publicity of government decisions – understood in its broadest sense – and the very foundations of democracy, since this is a form of government that excludes, as a matter of principle, the concealment and secrecy of the measures and decisions that are produced to favor the general interests that it serves as a priority. (Bermejo, 1988, pp. 17-27).

On the contrary, the absence of transparency and the lack of an adequate system of access to public information constitute one of the main institutional causes that enable corruption.

Likewise, the weakness in control systems becomes more dramatic and has a greater influence on corruption in those instances where there is a greater degree of

discretion in the adoption of public decisions and where there is a greater degree of concentration of power.

Klitgaard (1998, p. 2) proposed the following formula where he explains in a simplified way the consequences that occur with the confluence of the factors indicated above. Thus, $C=M+D-A$. The letter C represents corruption. The letter M stands for monopoly or, if you like, concentration on decision-making. Letter D refers to discretion and letter A represents accountability. According to this formula, corruption takes place within the framework of state decisions when decision-making power is monopolistic or concentrated, when these decisions are also taken at the discretion and controls are weak, inefficient or non-existent.

Another factor that can be identified as a cause or institutional factor that generates corruption is related to the existence of inappropriate legal frameworks that leave gaps preventing corrupt behaviors from being identified and sanctioned proportionally to the legal good affected. Deficient legal frameworks produce a significant degree of impunity, which encourages us to consider that the cost of corruption is less than the benefit it brings to the corrupt. It should not be forgotten that corruption “is a risky behavior” (Miranzo, 2018, p. 6) where the corrupt official or politician makes a decision that, although it may mean material or other political well-being, for example, in any case, may imply negative consequences for their interests. The greater the sense of impunity, the greater the corruption. “This feeling of impunity occurs more frequently in those environments where corruption is remarkably widespread, since controls, sanctions and arrests in these cases are less common” (Miranzo, 2018, p. 7). The Lima Commitment adopted in the framework of the VIII Summit of the Americas in the city of Lima held on April 13 and 14, 2018, expressly agrees to “promote the adoption and/or strengthening of the legislative measures that are necessary to criminalize acts of corruption and other related acts” as well as to take the necessary measures to “protect whistleblowers, witnesses and informants of acts of corruption against intimidation and reprisals”, “the work of journalists and people investigating corruption cases” and “protecting public servants including those involved in law enforcement, investigation, prosecution and punishment of acts of corruption”.

In any case, just as the absence of this adequate legislative framework can contribute to the creation of an environment conducive to corruption, “excessive regulation can also lead to corruption” (Comptroller General of the Republic - Chile, 2020, p. 29). Indeed, “the articulation of complex regulatory systems makes the functioning of the State inefficient, generates spaces of opacity and hinders control” (Comptroller General of the Republic - Chile, 2020, p. 29).

Another cause, strictly associated with the absence of an adequate legislative framework to prevent and sanction corruption when it occurs, is the excessive concentration of power in the ruling elites. Indeed, the accumulation and concentration of positions, to the point of generating a true social oligopoly, makes it extremely difficult to overcome the temptation of partiality and manipulation in the exercise of these (Velasco, 1996, p. 41). In this way, it is not unusual for public offices to be held by relatives, friends, co-religionists of parties or militants of parties that make up the government coalition. This scenario is produced by the absence of an insufficient legal framework to curb nepotism and clientelism. In addition, it makes it difficult to carry out the controls of the rule of law, since in this “circle of trust” irregular behaviors will be invisible and, if discovered, justified and subject to strict corporate defenses.

As a consequence, this means that, in these contexts, people who hold management positions in public services show a very low commitment to the principles of legality and probity. “A low commitment of senior management in the fight against corruption generates a favorable climate for the emergence of actions or omissions that threaten probity, since people tend to undervalue the importance of ethical behavior and consider that their actions will not be sanctioned” (Comptroller General of the Republic - Chile, 2020, p. 30). In turn, the situation described above can lead to misunderstood loyalty. Indeed, “the principle of hierarchy that governs public organizations can be an incentive for the emergence of cases of corruption if it is understood as a justification for maintaining bad practices or not alerting irregularities within the institution. Loyalty to the team or the chain of command risks breaches of integrity, if it is understood as a pact of silence in the face of irregularities or a space to exercise reprisals against those who denounce” (Comptroller General of the Republic - Chile, 2020, p. 30).

Consequently, the scarce “moral development of corrupt subjects limits their ability to act according to universal principles, and brings out the essential individualistic and selfish instincts mentioned above. In short, the weakening of the sense of belonging to a community, a State and a Public Power is observed, of which they question its usefulness, which causes primary or primitive reasoning and behaviors to emerge in the politician or public employee” (Miranzo, 2018, p. 8).

2. Causes or factors of a cultural nature that generate or facilitate corruption

There is a clear consensus in the doctrine and in the international community that corruption produces harmful effects of various kinds. To the extent that the decisions taken in the exercise of power are not intended to satisfy the general interest but the particular interests of those who hold it, the rest of the citizenry directly or indirectly becomes victims of the machinery of corruption. In good accounts, “those harmed are denied as victims, injured as taxpayers and mocked as citizens” (Velasco, 1996, p. 45).

However, “corrupt practices do not occur in a vacuum, but are embedded in a sociocultural context that conditions and defines them” (Julián and Bonavia, 2020, p. 334). This means that on many occasions citizens “are not only victims of corruption, but too often we are agents responsible for it” (Velasco, 1996, p. 45). While it is true, within the framework of the relations that occur in civil society, cases of corruption do not reach the seriousness of those that occur in the field of the exercise of political power, the truth is that their existence tends to relativize the standards of good and bad and thereby generate contexts of greater tolerance to state corruption. Thus, “corruption would not be a problem of the political system, if it were not in turn of civil society, if there were not a serious problem of corruption in social life, if the habits of particularism, of clientelism, of confusing the public with the private, in a word, if the absence of democratic habits and civic ethics, were not the daily bread for a large part of citizens” (Velasco, 1996, pp. 45-46).

Corruption is undoubtedly present in social relations. In the typology presented by Heidenheimer (1993) within the daily social relations of citizens is present

the so-called “white corruption”, that is, that which is admitted and practiced by a significant number of people. This type of corruption is explained by the relativization of the concepts of “good” and “evil” and by the exacerbation of the criteria of individual “utility” and “convenience”. In other words, we agree on the statement that corruption in social relations originates in “the absence of a public and civic morality that incriminates corruption and the corrupt, the absence of citizen sensitivity and responsibility” (Soriano, 2011, p. 389).

According to Soriano (2011, p. 389) the absence of this public morality results in the existence of two types of citizens: the fraudulent and the conformist. The first group is made up of those citizens who do not commit large-scale corruption, such as political corruption, possibly because they do not have direct access to the state structure, but they do generate and participate in fraudulent acts, which are part of the so-called “white corruption”. For example, the use of false medical licenses, the collection of inappropriate social security benefits, skipping shifts in the vaccination processes against Covid-19, etc. For this type of citizens, an honest person by decision and conviction is not only useless, but absolutely dangerous for the mentality installed in society, thus, if a worker denounces any irregularity, he is fired or is the victim of reprisals (Inostroza, 2019).

In this group it is possible to distinguish at least two types of corrupt citizens. There are those who engage in corrupt practices in order to access benefits and benefits that do not correspond to them according to legal channels and, there are those citizens who, in some way, are forced to incur acts of corruption, since they act like this to be able to access benefits and benefits that do correspond to them but that are denied to them and are not delivered in a timely manner.

The second group is made up of those citizens who adjust their behavior to the legal order, but do not reproach the fraudulent acts of their peers. These are people who “turn a blind eye to the illicit behaviors of others, reaching in some cases the public praise of the fraudster with covert envy (especially of those who manage to deceive the Treasury, which is for some the public enemy number one of the citizen)” (Soriano, 2011, p. 389).

Finally, it is possible to observe certain causes or social factors that also affect corruption and that are rooted in the social body. For the various reasons that we have indicated above, citizens tend to behave corruptly, mainly to obtain benefits and benefits, many perhaps motivated by envy regarding the position of their fellow citizens and their desire to obtain the same as them (Miranzo, 2018, p. 8). If many are the citizens who behave fraudulently to achieve their objectives and do so with relative success, without suffering negative consequences for it, it is possible that these behaviors are replicated by the rest in a process of learning or imitation of corruption. This is reinforced when there are no educational instances that train people from their earliest years in a solid individual and political ethics that prevents the occurrence of this type of acts.

Considering the above, it is possible to argue that “if there is corruption it is because there are conditions in the structure of the system that favor it, and behaviors of agents that stimulate it” (Zuluaga, 1996). It is a set of conditions that citizens share in a society and that generate an environment conducive to corruption.

3. Structural causes that generate or affect corruption

The structural causes that generate corruption are linked to inequality and poverty. Villoria Mendieta argues that the correlation between inequality and corruption is high (2019, p. 87). We can affirm that the relations between inequality -poverty and corruption are two-way: on the one hand, inequality and poverty generate ideal contexts for corruption to be generated and on the other, corruption contributes to inequality and poverty.

In the first of the indicated ways, the causal connection proposed by Villoria Mendieta between inequality and corruption lies in the fact that inequality produces a low quality in social relations, where a significant percentage of the population declares not to trust others. Thus, the higher the inequality and the greater the status differences, the greater the status insecurity and individualistic competitiveness. This competitiveness is based on the fear of losing the income that allows to be in the highest social levels. Leaving these higher social statuses results in the loss of the network of contacts which could lead to poverty levels. This scenario

discourages solidarity and altruism and reduces the moral costs of breaking rules of impartiality. Societies with a higher degree of inequality are characterized by low mobility among social strata and high stability of elites, which creates vertical networks of clientelism and dense horizontal networks among elites in which corruption develops. (Villoria, 2019, pp. 84-100).

Vertical networks of clientelism create a system characterized by the use of strategies (legal and non-legal) to achieve and maintain power. Thus, votes are bought, illegal campaign financing occurs, bribes are collected, etc. “In these societies, the mechanisms of social and institutional control are underdeveloped and, therefore, elites can take advantage of their own control over justice, the media and knowledge to ensure impunity” (Villoria, 2019, p. 90). This whole system generates not only a deep distrust in social relations but also a significant distrust in the impartiality of public institutions. “The poorest cannot believe that justice will treat them the same as the powerful or that the Administration will treat them with objectivity and respect for the law” (Villoria, 2019, p. 91).

All this context generates that citizens seek to join parties and submit to clientelist networks that allow them to achieve goods that the rules do not guarantee them. This results in the existence of parties that distribute privileges and favors among their protégés when they come to power. However, when they are not in power, they need sufficient funds to distribute goods among their networks while maintaining ties of loyalty. Thus, the relationship with entrepreneurs who finance campaigns and maintenance expenses of the networks is necessary. In return, these entrepreneurs secure contracts and decisions favorable to their interests (Villoria, 2019, pp. 91-92). “Once the system is consolidated, the key is to ensure by the political and economic elites a docile administration and submissive to their interests. This gives rise to a model of public administration in which the entry and exit of these public positions depends on who wins the elections (*spoils system*). Public employees are appointed and make their careers in patronage systems, so as to ensure that they give contracts to those who are told, and that they make decisions favoring the clientelist network, without objective criteria or values such as impartiality and legality hindering their obedience; Those who do not obey are expelled at their discretion from public service. The same is true of the judiciary, where access is

further politicized. The end result is impunity and, with it, greater inequality and poverty” (Villoria, 2019, p. 92).

Regarding the second of the ways indicated *above*, “corruption is usually associated with poor public administration, with the misappropriation of state resources that prevent the provision of essential public services in the lives of the poor” (Alcaide and Larrú, 2007, p. 38). On the other hand, “corruption diminishes the social representativeness of the poor, weakens confidence in democratic processes and expands the perception of electoral fraud, buying wills, clientelism and weak and failed states” (Alcaide and Larrú, 2007, p. 38), but, in addition, it “weakens confidence in the promises of democratic social reforms and further distances the most disadvantaged from decision-making forums” (Alcaide and Larrú, 2007, p. 38).

The analysis of the Human Development Index (HDI)⁵ and the Corruption Perceptions Index (CPI)⁶ of Transparency International since 1995 (the year in which both instruments coincide), shows that there is, as a rule, a significant degree of correlation between corruption and poverty. These studies allow us to observe that most of the States that are at the bottom of the CPI classification tend to have very low human development, that is, they are poorer. This should not be understood in the sense that corruption is only present in the poorest countries and that corruption does not exist in rich countries. Nor should corruption be reduced only to poverty, in fact, we have already had the opportunity to reflect on the diverse and complex causes that generate corruption, which allows us to affirm that poverty is a cause of corruption but not the only one.

So, while it is true that corruption is not a monopoly of the poorest countries, “it can be said, instead, that poor people are the ones who suffer the most from the negative effects of corruption. In the first place, because they are usually propitious victims of extortion by the State security forces and bodies, since they lack the

⁵ The HDI is an indicator developed by the United Nations Development Program (UNDP) that allows countries to be classified into four levels of human development, measuring life expectancy, the educational system and the quality of life of people.

⁶ The CPI is an index produced by Transparency International. This index ranks countries by their levels of perception of corruption in the public sector. This index is based on opinion polls and expert evaluations.

resources and the necessary competences to oppose or assert their rights” (Malem, 2017, p. 80), and on the other, because the diversion of the resources necessary for the satisfaction of their social rights and for the implementation of public policies aimed at that end, impede the enjoyment of these.

The correlation between corruption and poverty is also particularly serious since the latter is an important causal factor in human rights violations (Inter-American Court). Both the doctrine and jurisprudence of the Inter-American Court of Human Rights have warned about the relationship between extreme poverty and the violation of human rights, both classic civil rights and social rights.

The study by Tood Landman and Carl Jan Willen Schudel (2007) explored from an empirical perspective the relationships between corruption and human rights. This study analyzed data and samples from 186 countries in the period from 1980 to 2004. This study concluded that the most corrupt countries have worse records in protecting human rights. In the same vein, another study noted that “empirically, it can be shown that countries with high rates of corruption (or high levels of perceived corruption) are also countries with a poor human rights record” (Peters, 2015, p. 7). In this way, analyzing the CPI 2014, it was concluded that the countries with lower scores (Sudan, North Korea and Somalia) are countries with more human rights violations, therefore, it is safe to point out that these phenomena thrive in the same environments and probably have root causes, such as poverty to weak institutions (Peters, 2015, p. 7).

The analysis of jurisprudence of the Inter-American Court leads to the conclusion that the most socially vulnerable people are exposed to a situation of violation of their human rights. Cases such as “Instituto de Reeducción del Menor v.⁸

⁷According to the CPI 2021, the states of Sudan (164), North Korea (174) and Somalia (178) continue to occupy the last places in this Corruption Perceptions Index (<https://www.transparency.org/en/cpi/2021>) and at the same time if we analyze the Human Development Index prepared by the United Nations Development Program in its latest version (2019), Sudan, the only country mentioned in this report, ranks 170th (<https://datosmacro.expansion.com/idh/sudan>).

⁸ Inter-American Court H.R. (2004). I/A Court H.R., Case of the Institute for the Re-education of Minors v. Paraguay. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 2, 2004. Series C No. 112.

Paraguay”, “Ramírez Escobar⁹ et al. v. Guatemala”, “González et al. v. Mexico”, “Villagrán Morales¹⁰ et al. v. Guatemala”, “Servellón García et al. v.¹¹ Honduras”, “Comunidad Indígena Yakye Axa¹² vs. Paraguay”, “Buzos Miskitos vs. Honduras”, “¹³Vera Rojas vs. Chile”¹⁴¹⁵, etc., show that conditions of extreme poverty prevent people from being able, on the one hand, to have adequate protection of their civil rights such as life, physical and mental integrity, personal freedom, etc., and, on the other, to access sufficient goods that allow them to cover their basic needs, thereby affecting the enjoyment of social rights that allow them to achieve an adequate standard of living in accordance with the demands of the Community. dignity.

IV. CONCLUSIONS

Corruption is a phenomenon present in all societies. It makes its effects felt in both rich and poor countries, although it seems to be more strongly felt in the latter. Corruption implies the occurrence of a series of behaviors that imply non-observance of the norms and rules established in a relevant normative system to which loyalty is owed. Corruption is detrimental to a country’s democracy and economy and generates or enables the violation of human rights.

Corruption recognizes a series of causes and factors that originate it or affect its origin, intensity and severity. These causes and factors constitute social,

⁹ Inter-American Court (2018). I/A Court H.R., Case of Ramírez Escobar et al. v. Guatemala. Merits, Reparations and Costs. Judgment of March 9, 2018. Series C No. 351.

¹⁰ Inter-American Court H.R. (2009). I/A Court H.R., Case of González et al. (Campo Algodonero) v. Mexico. Merits, Reparations and Costs. Judgment of November 16, 2019.

¹¹ Inter-American Court H.R. (1999). I/A Court H.R., Case of Villagrán Morales et al. v. Guatemala. Bottom. Judgment of November 19, 1999. Series C No. 63.

¹² Inter-American Court H.R. (2006). I/A Court H.R., Case of Servellón García et al. v. Honduras. Merits, reparations and costs. Judgment of September 21, 2006. Series C No. 152.

¹³ Inter-American Court H.R. (2005). I/A Court H.R., Case of Yakye Axa Indigenous Community v. Paraguay. Merits, reparations and costs. Judgment of June 17, 2005. Series C No. 125.

¹⁴ Inter-American Court of Human Rights (2021). I/A Court H.R., Case of the Miskito Divers (Lemoth Morris et al.) v. Honduras. Sentence 31 of August 2021. Series C No. 432.

¹⁵ Inter-American Court of Human Rights (2021). I/A Court H.R., Case of Vera Rojas et al. v. Chile. Preliminary Objections, Merits, Reparations and Costs. Judgment of October 1, 2021. Series C No. 439.

psychological, economic, institutional and political phenomena of a complex nature that often act interdependently. The recognition of these causes and factors is essential to identify corrupt behaviors, profile them, understand them and from there develop the strategies that are necessary to combat them.

The causes and factors of corruption are then varied, however, to contribute to their identification and analysis we have decided to group them and without this meaning ignoring their close correlation and interdependence, in causes and institutional, cultural and structural factors. The institutional ones correspond to all those that fall within the structure of the State and the political system, such as, for example, the absence of controls, lack of transparency, legislative weakness, etc. The cultural ones correspond to those factors that are present in the social relations of the day to day and that try to explain why citizens observe ethically questionable behaviors that affect corruption. Finally, structural causes correspond to all those factors that are related to inequality and poverty.

The analysis of the different causes and factors that generate and affect corruption contribute to a systemic approach to the phenomenon, allowing us to understand both the reasons that explain why people and societies behave more or less corruptly, as well as to assess whether the mechanisms and remedies adopted to combat it are the most effective. according to each social and political context, and, finally, facilitate the visibility of the consequences that corruption produces, especially for the most vulnerable people and groups.

BIBLIOGRAPHY

- Alcaide, L. & Larrú, J.M. (2007). Corruption, development aid, poverty and human development. *ICE Economic Bulletin*, 2917, pp. 37-58.
- Aquino, A. (2019). *4th Generation of Fundamental Rights. Law and Corruption*. Santiago: Ediciones Olejnik.
- Bermejo, J. (1988). Secrecy in public administrations. Basic principles and specific regulations in the Spanish legal system. *Revista Española de Derecho Administrativo*, 57, pp. 17-27.
- Bobbio, N.; Matteucci, N. & Pasquino, G. (2000). *Dictionary of Politics (a-j)*. Madrid: Siglo XXI Editores, 12th edition.
- Cardenas, J. (2018). Causes of corruption and solutions to address it. In Salazar, P.; Ibarra, F. and Flores, I., *How to fight corruption?* (pp. 223-230). Mexico City: Universidad Nacional Autónoma de México, Instituto de Investigaciones Jurídicas.
- Inter-American Commission on Human Rights (2019). *Corruption and human rights: international standards*. OEA/Ser.L/V/II. Doc. 236, December 6, 2019.
- Inter-American Court of Human Rights (2018). *I/A Court H.R., Case of Ramírez Escobar et al. v. Guatemala*. Merits, Reparations and Costs. Judgment of March 9, 2018. Systematized Series C No. 351.
- D.F.L. 29 that “establishes consolidated, coordinated text and Law No. 18,834, “on administrative statute”. Diario Oficial 16-3-2005, Chile.
- Fernandez, L. (1999). *Psychology of corruption and the corrupt*. Santiago de Compostela: Grupo Editorial Universitario.
- Garzón, E. (2003). About the concept of corruption, in Carbonell, M. and Vásquez, R. (coord.), *Poder, derecho y corrupción* (pp.19-44). Mexico City: Siglo XXI Editores.
- Gilli, J. J. (2014). Corruption: analysis of a complex concept. *Journal of Institutions, Ideas and Markets*, 61, pp. 39-63.

- Godoy, O. (1996). General considerations on corruption and its prevention. *Revista de Ciencia Política*, Pontificia Universidad Católica de Chile, Vol. 18 (12), pp. 15-30.
- Heidenheimer, A.; Johnston, M.; Le Vine, V. (eds.) (1989). *Political Corruption: A Handbook*. New Brunswick, Transaction Pub.
- Inostroza, J. C. (2019). Chile, flirting with corruption. Ethics is not a private matter, but always a social one. Catholic University of the Most Holy Conception, Academic Blogs, 26-6-2019. Retrieved from: <https://www.ucsc.cl/blogs-academicos/chile-coqueteando-con-la-corrupcion-la-etica-no-es-una-cuestion-privada-sino-siempre-social/>
- Jaramillo, N. (2011). Is there a relationship between political corruption and democracy? Brief theoretical reflection aimed at establishing its possible articulations. *Opera*, 11, pp. 241- 257.
- Julián, M. & Bonavia, T. (2020). Psychological variables associated with corruption: a systemic review. *Annals of Psychology*, Vol. 36(2), pp. 330-339.
- Klitgaard, R. (1998). International Cooperation Against Corruption. *Finance and Development*, pp. 3-6. Recuperado de: <https://www.imf.org/external/pubs/ft/fandd/1998/03/pdf/klitgaar.pdf>
- Laporta, F. & Álvarez, S. (eds.). (1997). *Political corruption*. Madrid: Alianza Editorial.
- Law No. 20.205 (2007) that “*protects the official who denounces irregularities and breaches of the principle of probity*”. Official Journal 24-7-2007, Chile.
- Lopez, N. (1997). La corrupción política: introducción general, in Laporta, F. & Álvarez, S. (eds.), *La corrupción política*. Madrid: Alianza Editorial.
- Lozano, J. & Merino, V. (comp.) (1998). *Time for transparency in Latin America: The anti-corruption manual in the public service*. Buenos Aires: Granica.
- Malem, J. (2002). *Corruption. Ethical, economic, political and legal aspects*. Barcelona: Gedisa.

- Malem, J. (2017). *Poverty, corruption (in) legal security*. Madrid: Marcial Pons.
- Miranzo, J. (2018). Causes and effects of corruption in democratic societies. *Revista de la Escuela Jacobea de Posgrado*, 14, pp. 1-26.
- Organization of American States (OAS) (2018). *Lima Commitment. Democratic Governance Against Corruption*. Lima, VIII Summit of the Americas, April 13 and 14, 2018. Retrieved from: http://www.summit-americas.org/LIMA_COMMITMENT/LimaCommitment_es.pdf
- Pacheco, M. (1996). Conceptual analysis of corruption and public probity. *Revista de Ciencia Política*, Pontificia Universidad Católica de Chile, Vol. 18 (12), pp. 35-42.
- Paredes, G. Corruption: brief analysis of its causes and effects. *Revista Jurídica Investigación en Ciencias Jurídicos y Sociales*, 18, pp. 199-213.
- European Parliament (2017). European Parliament resolution of 13 September 2017 on corruption and human rights in third countries. Retrieved from: https://www.europarl.europa.eu/doceo/document/TA-8-2017-0346_ES.html
- Peters, A. (2015). Corruption and Human Rights. Basel Institute on Governance. Working paper series No. 20. Recuperado de: https://www.mpil.de/files/pdf4/Peters_Corruption_and_Human_Rights20151.pdf
- United Nations Development Programme (2019). *Human Development Index*. Retrieved from: <https://datosmacro.expansion.com/idh?anio=2019>
- Rose-Ackerman, S. (2001). Corruption and governments. *Causes, consequences and reforms*. Madrid: Siglo Veintiuno de España Editores.
- Soriano, R. (2011). Political corruption: types, causes and remedies. *Anales de la Cátedra Francisco Suárez*, 45, pp. 382-402.
- Landman, T. & Willem, C. (2007). *Corruption and Human Rights: Empirical Relationships and Policy Advice*. The International Council on Human Rights Policy. Review Meeting. Geneva. Recuperado de: https://www.researchgate.net/publication/238790101_CORRUPTION_

AND_HUMAN_RIGHTS_EMPIRICAL_RELATIONSHIPS_AND_
POLICY_ADVICE

- Velasco, D. (1996). Political Corruption and Private Immorality, Cortina, A. and others. *Corruption and Ethics* (pp.39-50). Bilbao: University of Deusto, Cuadernos de Teología Deusto, N° 9.
- Villoria, M. (2019). *Fight corruption*. Barcelona: Gedisa Editorial.
- Zuluaga, J. (1996). When corruption invades the social fabric. *New Society*, 145, pp. 148-159.