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## Administrative and legal methods of preventing corruption among public authorities: the experience of EU countries

### Адміністративно-правові методи запобігання корупції у діяльності публічної влади: досвід країн ЄС

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#### Abstract


The study deals with the analysis of administrative and legal methods used in EU countries to fight corruption among public authorities. Fighting corruption is critically important for ensuring transparency and accountability, good governance, and achieving the effectiveness of management actions. The aim of the article is to determine the effectiveness of administrative and legal methods used in the EU countries to fight corruption among public authorities based on the implementation of the good governance principles.


The research methodology provided for the use of the methods of contextual analysis, comparison, and graphic correlation. The study outlined the necessary measures: improving legislation on the status of public authorities, the responsibility of public officials, introducing e-governance models and the concept of good


#### Анотація


Дослідження присвячене аналізу адміністративно-правових методів, що застосовуються в країнах ЄС для боротьби з корупцією в органах публічної влади. Боротьба з корупцією є критично важливим завданням для забезпечення прозорості та підзвітності, належного (доброго) управління, досягнення ефективності управлінських дій. Метою статті є визначення дієвості адміністративно-правових методів, які використовуються в країнах ЄС для протидії корупційним проявам в органах публічної влади, на основі реалізації принципів належного управління. Методологія дослідження передбачила використання методу контекстного аналізу, методу порівняння, методів графічної кореляції. Дослідження окреслило необхідні заходи (удосконалення законодавства щодо статусу органів публічної влади, відповідальності

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governance among public authorities of EU member states. It was found that the application of administrative and legal methods in the system of public administration is not enough for the implementation of anti-corruption policy, because corruption in the EU goes beyond the borders of one country and its law enforcement. In view of the expanding manifestations of corruption, implementation of effective administrative and legal methods of fighting corruption is an urgent task for public authorities and leading EU institutions. The specified will require a systemic approach, robust anti-corruption institutions, and the establishment of legal anti-corruption mechanisms.

**Keywords:** corruption, quality of government, good governance, EU, prevention.

## Introduction

Corruption poses a significant threat to the stability, integrity, and democratic values of any society. It undermines public trust, hinders economic growth, and perpetuates social inequality. According to Eurobarometer 2022 data, 68% of people and 62% of businesses in the EU believe that corruption is widespread in their country (European Union, 2022).

In the context of developing effective anti-corruption strategies, EU the countries have made significant efforts to create reliable administrative and legal methods aimed at fighting corruption among public authorities. These approaches include preventive, investigative, and punitive strategies designed to minimize corrupt practices, bringing perpetrators to justice, improving transparency and accountability in the public sector.

Administrative and legal methods used in EU countries are based on key initiatives such as the creation of specialized anti-corruption bodies, modernization and implementation of the legal framework, promotion of transparency and accountability through e-governance and good governance tools, as well as international cooperation in the fight against corruption. In the first section of the study, readers will find a literature review, while the second part focuses on the methodology. The third section is dedicated to the research findings, and the fourth part involves a discussion of the results. In the final section, the research conclusions are summarized.

публічних службовців, впровадження моделей електронного урядування та концепції належного (доброго) управління в органах публічної влади країн-членів ЄС). З'ясовано, що застосування адміністративно-правових методів у системі публічного управління не достатньо для реалізації антикорупційної політики, адже в ЄС корупція виходить за межі однієї країни та її правозастосування. Впровадження ефективних адміністративно-правових методів протидії корупції є нагальним завданням для органів публічної влади та керівних інституцій ЄС, зважаючи на розширення проявів корупційних дій. Зазначене потребуватиме системного підходу, сильних антикорупційних інституцій та формування правових антикорупційних механізмів.

**Ключові слова:** корупція, якість уряду, належне управління, ЄС, запобігання.

The aim of the article is to study and analyse the effectiveness of administrative and legal methods in the system of public administration bodies of EU member states with the aim of countering corruption based on the implementation of the good governance principles and the results of the impact of these methods on corruption.

The main research objectives include:

1. Analyse key initiatives, such as the creation of anti-corruption bodies, implementation of the legal framework, promotion of transparency through e-governance tools;
2. Evaluate the effectiveness of approaches to reducing the corruption rate based on the implementation of administrative and legal measures;
3. Provide recommendations on improving anti-corruption strategies among public authorities based on the experience of EU countries.

## Literature Review

Existing studies related to administrative and legal methods of fighting corruption in the activities of public authorities quite widely study the relevant experience of EU countries, key topics, offering possible approaches to solving the specified issues. Corruption undermines citizens' trust in public authorities, reduces economic growth, hinders investment, and creates political instability. Therefore, the

problem of corruption remains the subject of study by various researchers.

Measuring corruption manifestations, which are inherently illegal activities actively concealed by perpetrators, is a challenging task for researchers (Armand et al., 2023). A significant number of researchers prove the negative impact of corruption on the economy, society, and the environment (Kasa et al., 2023). So, it is believed that the corruption rate can be reduced by implementing democratic principles in the public administration system, such as political openness, a system of checks and balances, honesty, effective supervision, accountability, etc. (Gorsira et al., 2018). Specialized independent anti-corruption institutions are key to success in the fight against corruption (Di Mascio et al., 2020). Expanding digitization and effective e-governance systems should also have the effect of reducing the overall corruption rate in the country (Agarwal & Maiti, 2020). Accordingly, the use of good governance, which involves the implementation of the rule of law, transparency, accountability and participation, is one of the factors aimed at minimizing corruption risks. It is important that e-governance significantly contributes to the implementation of the good governance principles (Castro & Lopes, 2022).

Numerous studies emphasize the importance of creating a reliable administrative and legal framework as an effective means of fighting corruption among public authorities. Considering the need to create specialized anti-corruption agencies, one should understand their place as an important component in this system. The study (Johnston & Heidenheimer, 2017) analysed the structures, powers and independence of anti-corruption bodies, including in the EU countries, tested numerous anti-corruption tools and good governance strategies, which provides insight into their effectiveness in investigating and fighting corruption crimes.

Transparency and accountability measures play an important role in the fight against corruption in public authorities. A study on promoting transparency through e-government tools, open data initiatives, and citizen engagement concluded that the response must go beyond law enforcement to include the reorganization of government agencies and their relationships with the private sector (Rose-Ackerman, 2018).

With the development of e-government, public authorities have been transformed both

structurally and in terms of the dynamics of relations between the state and the recipients. E-government should be considered as an integral and integrated aspect of the functioning of public institutions and the provision of services. The methodology implemented in the EGDI e-Government Development Index is one of the approaches that assesses e-government development at the national level (United Nations, 2022). E-government creates new opportunities for change in public authorities and integrated governance, providing public services and information to stakeholders with greater quality, accountability and efficiency, as well as improving relations between social actors (United Nations, 2020). The development of e-government encompasses transformation at the technical and organizational levels, that is, the use of opportunities to modernize outdated processes and reintegrate public authorities in order to meet the needs of people in public services through increased integrity, flexibility, and adaptability (Mao et al., 2021).

The World Governance Indicators (WGI) are among the indicators of the quality of public administration, which rank countries according to good governance aspects. These indicators are determined according to the researchers' understanding of the fundamental concepts of management. These indicators were used in a number of studies as variables to study possible relationships between aspects of public governance and growth, and they are also used to monitor the quality of governance (Gallego-Álvarez et al., 2021). Improving the quality of public administration, independence of public officials from political pressure, and stopping corrupt practices can give tangible results in increasing the economic efficiency of public administration. Furthermore, strong institutions can mitigate the adverse effects of less transparent procedures and processes in public authorities.

## Methodology

The research design is based on the identification of the main context of administrative and legal methods of fighting corruption, which is implemented in the legal acts, regulations of the functioning of powerful EU anti-corruption institutions. It is also based on determining the correspondence between the quality of public administration and the state of corruption and the general progress of the corruption rate in the EU countries during 10 years; analysis of obtained data, providing propositions, and drawing conclusions. Open data on individual indicators

of 27 EU member states were used as research objects. The main legislative acts in the field of anti-corruption policy in the EU were used (European Union, 1997; 2012; 2023; European Commission, 2023a; 2023b). The methods of contextual analysis, correlation analysis, and graphic comparison were used.

The first stage was a contextual analysis of the current EU anti-corruption legislation and the relevant changes through the data search on the legislative framework of the European Union and the European Commission on anti-corruption. The next step was to find out the influence of the public administration system on corruption through correlation analysis (scattering diagrams).

The indicator of the effectiveness of public authorities of the World Governance Indicators (WGI) (World Bank, 2023) was used as a factor demonstrating the level of public administration and the features of good governance. The Corruption Perceptions Index (CPI) is considered a more appropriate measure for corruption analysis (Qu et al., 2019). The Public Sector Corruption Perceptions Index was developed as an indicator used to measure the perception of corruption ranging from 0 to 100 (Transparency International, 2023a). A scatter (point) diagram was built for 27 EU member states using data on indicators of efficiency of public authorities and corruption by building a graphic model of the dependence of the corruption indicator on the efficiency of public authorities. The diagram was built using Gretl software.

The E-Government Development Index (United Nations, 2022) is used as an additional factor (predictor), an indicator that can show the ability to implement public administration, which is also sufficiently relevant to the implementation of good governance. A graphic analysis of the Corruption Perceptions Index (CPI) and the E-Government Development Index in EU countries was conducted (Transparency International, 2023a; United Nations, 2022).

A mixed approach to the study made it possible to comprehensively investigate the consequences of administrative and legal methods of fighting corruption. The quantitative component relied on statistical data to measure performance, while the qualitative component captured the specifics of legislation, its changes, administrative procedures and institutions. The integration of the research results provided a comprehensive analysis that allowed for a more in-depth study of the issue and development of recommendations.

At the same time, it should be noted that the data used in the study (World Bank, 2023; Transparency International, 2023a; United Nations, 2022) are formulated based on the developers' own methodology for index creation, which may not sufficiently objectively reflect the state of affairs in the fields of public governance, corruption, and e-governance. Additionally, these indicators are based on existing data from previous years, reflecting situations that occurred in past periods.

## Results

### *Determining the main aspects of administrative and legal methods of fighting corruption in EU legislative acts*

Regarding the research objectives, special attention is paid to the issues of effective functioning of the public administration system and the provision of public services with the minimization of corruption risks. EU anti-corruption approaches are based on a number of general provisions. The Treaty on the Functioning of the European Union (TFEU) established the need to prevent and combat criminal activity, including corruption, in the EU. This requires the harmonization of current legislation and the establishment of appropriate sanctions. In general, the legal anti-corruption framework must be provided both directly by the EU and by the member states (European Union, 1997).

Administrative and legal forms of fighting corruption provide for the establishment of administrative regulations for the performance of state functions and the provision of public services. The goals of the adoption of administrative regulations are to increase the transparency of the activities of public authorities, to exclude the possibility of corruption-inducing factors. Anti-corruption administrative and legal methods are based on specific practical means (measures and methods) of fighting corruption in the public administration system used by authorities in the EU. The tools of good governance provide for anti-corruption monitoring, which includes the analysis of corruption-inducing factors and anti-corruption policy implementation measures. Monitoring ensures detection and forecasting of the development of negative processes affecting the corruption rate in public authorities, as well as correlation of action plans to fight corruption. The analysis of corruption risks is related to the identification and study of the possibility of the occurrence of causes and conditions that

contribute to the commission of corruption offences in state administrative activities. The indicated tools are approved by a number of fundamental EU legal acts.

The Convention Against Corruption Involving Public Officials of EU countries determined the main approaches to the subject field of corrupt acts, the measures and actions of member states regarding officials who commit crimes, punishments for corruption crimes, and issues of jurisdiction and prosecution for committing corruption crimes (European Union, 1997). The institutional framework of the anti-corruption system is determined by public authorities of EU member states, which are entrusted with the anti-corruption functions, the European Commission, the European Parliament, and Eurojust. The said authorities should ensure joint cooperation on the exchange of information and experience in the fight against corruption (European Union, 2008).

In 2022, the President of the European Commission identified the need to modernize anti-corruption legislation in order to improve the fight against various forms of corruption in the EU (von der Leyen, 2022). The modern vision of the fight against corruption in the EU should provide for the implementation of additional administrative and legal methods, namely: preventive measures based on the stimulation of integrity and education; expanding the basis of corruption crimes beyond the classical understanding of criminal acts; establishment of criminal punishment based on the same approaches in EU member states; extension of the statute of limitations for corruption crimes; the availability of appropriate tools for law enforcement agencies and the prosecutor's office regarding the possibility of fighting corruption (European Union, 2023).

New approaches in anti-corruption policy include the Directive of the European Parliament and the Council (European Commission, 2023a), which provides for a significant update of the legislative framework on anti-corruption, which

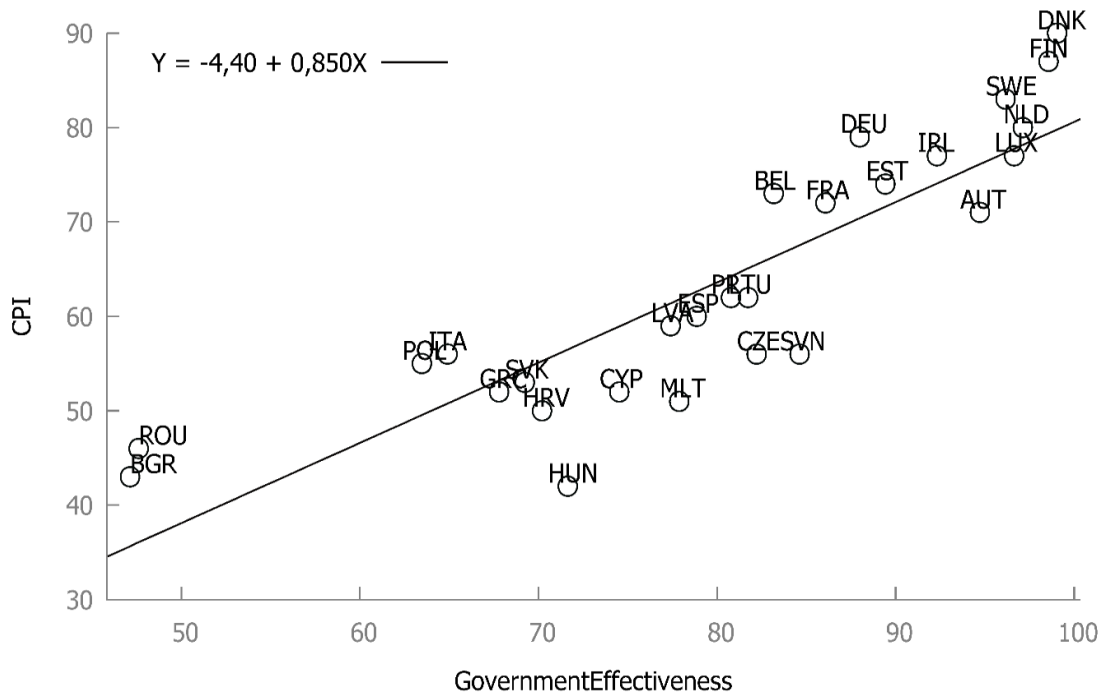
includes updating tools, national law enforcement, deepening cooperation between member states, and introducing preventive and repressive mechanisms, application of sanctions, etc.

In a Joint Communication, the European Commission proposes strengthening accountability, transparency, detecting corruption and punishing it, increasing the efficiency of investigations, resolving conflicts of interest, disclosing financial data, maintaining anti-corruption provisions in all relevant sectoral laws, cooperation and exchange of experience (European Commission, 2023b).

#### ***Evaluation of the results of the implementation of administrative and legal methods of public administration in anti-corruption activities***

The influence of the management activities of public authorities on the implementation of administrative and legal methods on the state of corruption in the EU member states will be analysed based on the considered number of approaches to the prevention of corruption.

It was determined that the primary emphasis should be placed on the use of the World Governance Indicators (WGI) in the analysis, where the indicator of the effectiveness of governance by public authorities is one of the components (World Bank, 2023). This involves determining the capabilities of the country's public administration system (results of the use of administrative, legal, organizational management methods, models of good governance by authorities). A scatter diagram that demonstrates the relationship between the corruption indicator and the e-government development indicator (Figure 1) was obtained using the data of two indicators that describe the corruption component (CPI) and the state of governance (WGI) for 27 EU member states. It shows a certain correlation. The graphic model was built using Gretl software.

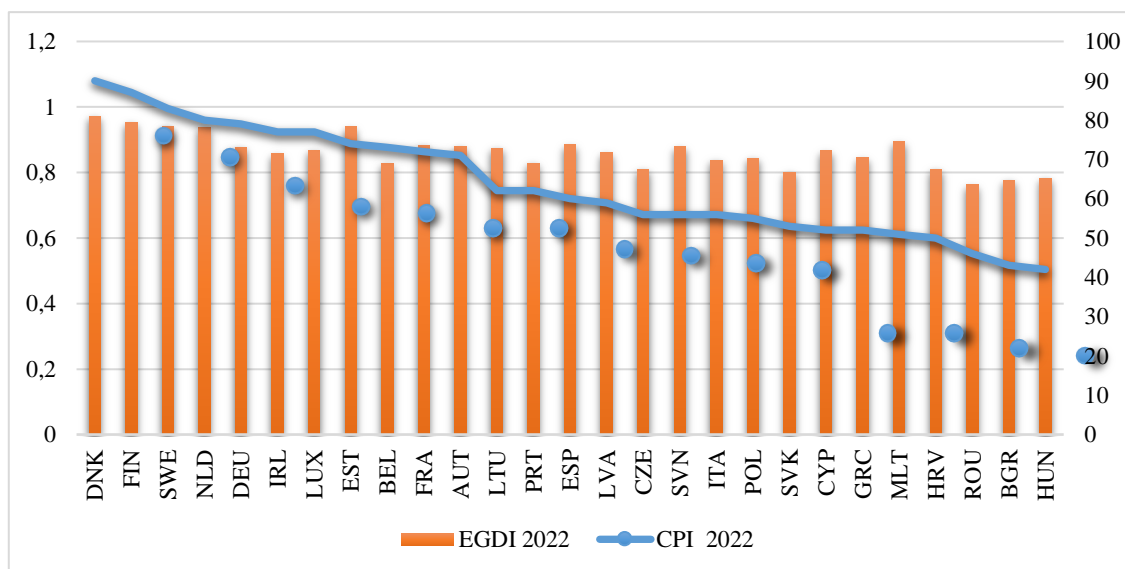


**Figure 1.** The relationship between the Corruption Perceptions Index (CPI) and the effectiveness of governance, 2022

**Source:** Transparency International (2023a), World Bank (2023)

As regards different models and approaches to modern public administration, the approach with the identification of the development factor of e-governance is appropriate. It is closely related to good governance, which is based on increasing transparency, expanding communications with society. The key vision is the study of the potential of public authorities in the application of information and communication technologies. The state of e-government development at the national level is demonstrated by the e-

Government Development Index (EGDI), which is developed by the United Nations. The development indicator ranges from 0 to 1 (United Nations, 2022). A graphical model that demonstrates the connection between the Corruption Perceptions Index and the e-Government Development Index will be built using the data of two indicators (CPI, EGDI) for 27 EU member states (Figure 2). It demonstrates only partial correlation.



**Figure 2.** Corruption Perceptions Index (CPI) and e-Government Development Index in EU countries

**Source:** Transparency International (2023a), United Nations (2022)

Further analysis of the obtained data (Figure 2) proves that the e-government development only partially improves anti-corruption activities. Despite a fairly high level of e-government development, such countries as Slovenia, Spain, Cyprus, Malta, Poland, Bulgaria, Hungary and some others have relatively low indicators of the level of corruption perceptions.

The data for 2012 and 2022 will be compared to identify the main trends in the change in indicators of the Corruption Perceptions Index of

the EU countries (Figure 3). A significant regression over the last decade in such countries as Hungary, Cyprus, Malta, Poland, Spain, Slovenia, etc. is noted. The data of Figure 3 show that a decrease in the Corruption Perceptions Index, for example, in the specified countries, was determined by a number of unbalanced approaches to the issues of the rule of law, freedom of speech, and the effectiveness of the implementation of administrative and legal methods of preventing corruption.

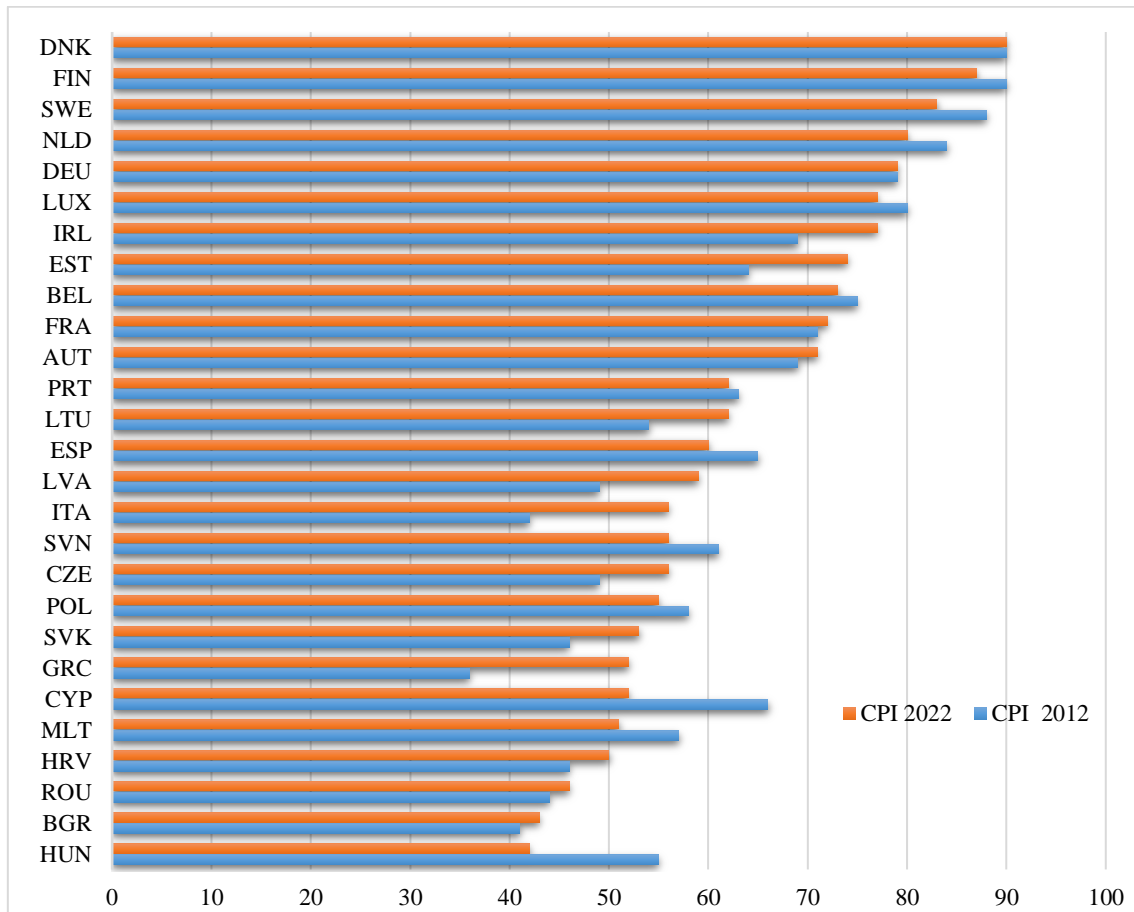


Figure 3. Indicators of the Corruption Perceptions Index of EU countries in 2012 and 2022

Source: Transparency International (2023a)

In view of the rather significant approach to the revision of administrative and legal methods in the EU anti-corruption policy (European Commission, 2023a; European Commission, 2023b), it should be recognized that a really significant decrease in the Corruption Perceptions Index in some EU countries indicates insufficiently effective tools in the public administration system. Some researchers argue that, other things being equal, the high level of the rule of law provides higher control over corruption (Chong et al., 2020). Certain areas of public administration, related to the

quality of legal education, gender balance in politics and administration, delegation of powers, freedom of speech, rule of law, good governance principles, can effectively and quickly minimize corruption manifestations.

### Discussion

The study of administrative and legal methods of preventing corruption among public authorities demonstrates that this issue is quite complex and involves a significant range of factors. Based on the main focus on the EU member states, the

analysis indicatively shows the heterogeneity of both the level of corruption perceptions and the level of governance in the EU member states, and the situation when even democratic European countries can increase their own tolerance for corruption manifestations during the last decade.

As the aim of the study provided, the administrative and legal principles of the EU member states regarding the implementation of specialized anti-corruption bodies, legal boundaries, control and supervision, transparency, participation and other measures that contribute to fighting corruption were considered. This made it possible to identify the effectiveness of such measures in different contexts and in terms of using the good governance principles in anti-corruption activities.

The obtained results show that the high performance of the public administration system, which is reflected by two different parameters (the efficiency of public administration bodies, the level of e-governance), is partially correlated with the strong anti-corruption policy of most EU member states. But this is not a complete match. This situation is confirmed by studies that demonstrate, for example, the partial impact of e-government on corruption (Sihal et al., 2023).

The use of two factors describing the public management system (WGI, EGDI), the implementation of the good governance model showed almost similar results, which proves the correctness of the chosen methodological approach. Some deviations can be explained by the very specifics of the formation of both the Electronic Government Development Index and the efficiency indicator of public administration bodies. In general, it can be argued that the quality of public administration, the implementation of the concept of good governance, and the development of political institutions are positively related to efficiency and state development, determining control over corruption (Chong et al., 2020). Another study (Zou et al., 2023) also testifies to the partial influence of the effectiveness of public administration on corruption.

We can talk about the partial confirmation of the obtained research results regarding the reduction of corruption in the public administration system due to the development of e-government (Chen & Aklikokou, 2021). E-government reduces the space of power, regulates the behaviour of public authorities and public servants, thereby fundamentally fighting corruption. E-

government reduces the personal interaction between civil servants and citizens, thereby weakening the freedom of action of officials and reducing the opportunities for corruption (Zou et al., 2023). As mentioned, e-governance approaches contribute to good governance.

Based on the obtained results regarding the decreased level of corruption perceptions in such countries as Hungary, Cyprus, Malta, Poland, Spain, Slovenia, the following should be noted. Poland has decreased its approval of the rule of law in relation to limitations on government powers, protection of fundamental rights, and criminal justice (World Justice Project, 2020). Over the past decade, democratic achievements have partially weakened. Similarly, Poland has deepened autocratic positions over the past 10 years, gradually eliminating media freedom and curtailing civil society (Lührmann & Lindberg, 2020). Although recently, the Polish government has been trying to strengthen the independence of the judiciary and reform the disciplinary regime in the judicial branch of government after criticism from the European Commission regarding the observance of the rule of law.

As for Cyprus, the country is not able to start the full functioning of the recently created anti-corruption body. Spain is delaying anti-corruption measures and updating legislation on lobbying, transparency and information, prompting warnings from the European Commission. Malta demonstrates political interference in mass media and anti-corruption activities, cases of corruption of high-ranking officials remain without verdicts for a long time. Since 2014, a decreased freedom and integrity of elections has been recorded in Hungary, which has significantly limited the activities of mass media and civil society (Bozóki & Hegedűs, 2018), while civil freedoms have become significantly restricted. The degradation of democratic achievements and the weakening of the rule of law in Hungary in 2022 put the country at the very bottom of the corruption perceptions in the EU. Evidence of misuse of EU and state funds by political leaders were revealed. There is an urgent need for pressure from EU institutions on the government to restore the rule of law in Hungary (Transparency International, 2023b).

The development of effective legal, organizational and administrative methods aimed at preventing and stopping corruption among public authorities will not only improve the quality of management, but also ensure reliable protection of the rights and legitimate interests of



citizens. First of all, the legislation on the status of public authorities, on the powers of officials, on the administrative and disciplinary responsibility of public officials should be improved at the EU level, and key provisions should be implemented in the national legislation of EU member states. The improvement of administrative legislation is determined by the fact that corruption deforms administrative-legal management relations that arise between the powerful subject of law (a body of public authority) and the subordinate subject of law (a natural person or legal entity). In turn, this entails negative consequences in the form of a criminal threat to citizens, society, and the state. Besides, the corruption of the management of individual institutional bodies is primarily costs of the system not only of the budget of an individual country of the Commonwealth, but also of the EU budget as a whole, which must be minimized. Particular attention should be paid to the improvement of e-governance models and the concept of good governance in the system of public authorities of EU member states.

### Conclusions

The study shows that EU member states use different administrative and legal methods of fighting corruption. This includes legislative measures, the establishment of specialized anti-corruption bodies, improving of the system of control and supervision, development of transparency and accountability codes in the activities of public authorities. Effectively fighting corruption requires cooperation between various actors, including supranational and national authorities, anti-corruption agencies, and civil society.

The study shows that the EU countries make significant efforts to develop and implement effective administrative and legal methods that contribute to the prevention of corruption, the detection of corruption cases, their proper investigation and punishment. Improving anti-corruption legislation, strengthening control, monitoring, increasing the efficiency of anti-corruption bodies, sharing experience and transferring best practices and using the good governance principles are necessary steps to achieve sustainable progress in the fight against corruption among public authorities in EU countries.

It was found that administrative and legal methods in the system of public administration are not sufficient for the implementation of anti-corruption policy. The reason is that corruption

in the EU sometimes goes beyond the boundaries of only one country and its legislative boundaries and law enforcement. The implementation of effective administrative and legal methods of fighting corruption is a key task for public authorities and leading institutions of the EU, as evidenced by the existing problems of some EU countries. This requires a systemic approach, strong legislative frameworks, strengthening the capacity of specialized anti-corruption bodies and constant improvement of anti-corruption mechanisms.

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