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The Corruption Crisis in Iraq and Its Impact on Administrative Decision-Making Causes, Consequences and Solutions

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Abstract

Iraq has been dramatically affected by administrative corruption, especially in its governmental institutions, since 2003. There is a widespread debate in the literature on the impact of corruption on various aspects of state institutions, as it can lead to the abuse of power by decision makers, which leads them to deviate from the legal frameworks specified to achieve personal interests. This article emphasizes administrative corruption as one of the most dangerous forms of corruption that impacts the effectiveness of public offices. It relies on analyzing the data provided by independent government agencies and international organizations, with the aim of reviewing corruption cases in Iraq and evaluating the supervisory measures taken by these bodies to confront them. In addition, the judicial rulings issued against the convicts are highlighted to provide a comprehensive understanding of the efforts made in addressing this phenomenon. The findings indicate that, the complex nature of administrative corruption in Iraq, where influential personalities manipulate, whether they are part of the job system or outside this system, with administrative decisions that serve their personal or partisan interests instead of achieving the public interest, which weakens the ability of institutions to achieve their goals. Treating this issue requires a comprehensive treatment, starting from the highest levels of government and extension to all sectors of society, with a genuine commitment to eliminating corruption through concrete and practical measures.

أزمة الفساد في العراق وتأثيرها على عملية صنع القرار الإداري الأسباب والعواقب والحلول

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المخلص

معلومات الأرشفة

تأثر العراق بشكل كبير بالفساد الإداري، وخاصة في مؤسساته الحكومية، منذ عام 2003. وهناك جدل واسع في الأدبيات حول تأثير الفساد على مختلف جوانب مؤسسات الدولة، إذ يمكن أن يؤدي إلى إساءة استخدام السلطة من قبل صانعي القرار، مما يدفعهم إلى الانحراف عن الأطر القانونية المحددة لتحقيق مصالح شخصية. ويؤكد هذا المقال على الفساد الإداري كأحد أخطر أشكال الفساد الذي يؤثر على فعالية الوظائف العامة. ويعتمد على تحليل البيانات المقدمة من الجهات الحكومية المستقلة والمنظمات الدولية، بهدف استعراض قضايا الفساد في العراق وتقييم الإجراءات الرقابية التي اتخذتها هذه الجهات لمواجهتها. بالإضافة إلى ذلك، يتم تسليط الضوء على الأحكام القضائية الصادرة بحق المدانين لتوفير فهم شامل للجهود المبذولة في معالجة هذه الظاهرة. وتشير النتائج إلى الطبيعة المعقدة للفساد الإداري في العراق، حيث تتلاعب الشخصيات المتنفة، سواء كانت جزءاً من نظام الوظيفة أو خارجه، بقرارات إدارية تخدم مصالحها الشخصية أو الحزبية بدلاً من تحقيق المصلحة العامة، مما يضعف قدرة المؤسسات على تحقيق أهدافها. إن معالجة هذه القضية تتطلب معالجة شاملة، تبدأ من أعلى مستويات الحكومة وتمتد إلى جميع قطاعات المجتمع، مع التزام حقيقي بالقضاء على الفساد من خلال تدابير ملموسة وعملية.

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1. Introduction

After the fall of the previous regime in Iraq in 2003, administrative corruption became one of the biggest challenges and risks facing the Iraqi state at present, making it an easy target for terrorism. It directly affects the efficiency and effectiveness of public administration, disrupting economic and social development. (Darwish, 2023, 2781-2786). Administrative corruption is defined as the abuse of power by decision-making employees and those with influence. They seek to achieve their interests or for considerations unrelated to the public interest. (Nevbahar, 2020,15-20). Administrative corruption includes bribery, embezzlement, and abuse of public office, all of which contribute to the erosion of trust between citizens and the government. (Kempe Ronald, 2018, 249-255). The issue of administrative corruption is of exceptional importance in Iraq due to its widespread and the diversity of parties involved in it.

Corruption in Iraq is not just a passing problem, but rather a rooted crisis that greatly affects politics, economics and society, which makes achieving social justice and human equality more difficult. Iraqi politicians, including senior officials, have admitted that corruption is a continuous challenge, expressed their concern and pledged to combat it. Over the years, many prime ministers have established specialized councils and committees with the aim of limiting and addressing this phenomenon. (AlSadi, 2018, 2-6).

The current Prime Minister has identified corruption as a top priority for the government, emphasizing its harmful impact on society. The new government also took other measures, including replacing senior officials and creating special committees to speed up the fight against corruption. (AlSadi, 2018, 7-10).

1.1. Aim of Research

This article aims to examine the impact of administrative corruption on the administrative decision-making process in Iraq, where administrative corruption led to decisions being made not based on efficiency or public interest but rather on personal and factional interests. It evaluates the judiciary's role in confronting corruption



through the decisions it issues, the regulatory authorities represented by the Federal Integrity Commission, and the legal measures it has taken to limit the spread of this crime.

1.2. Research Methodology

To reach satisfactory findings on research objectives, a mix methodology was employed, the qualitative and quantitative methods. It is deemed suitable for ensuring reliability. It aims to assess the impact of administrative corruption in Iraq and its repercussions on the decision-making process, identify the causes, discuss the consequences, and propose solutions by analyzing official figures and statistics issued by internal and external bodies that are completely independent in their practical aspects. It draws on primary sources such as constitutions, legislation, regulations, and cases. Additionally, it uses secondary sources, including newspaper articles that provide insights into research topics, textbooks, academic dissertations, and data from independent regulatory bodies and international organizations dedicated to combating corruption.

The key finding, which represents the research problem, is that corruption has become an exceptional crime and thus requires the state to take extraordinary measures to combat it. Moreover, administrative corruption in Iraq has become a scourge that is difficult to control because it is not linked to entry-level employees but rather to senior officials and influential people who own the decision-making and corruption processes that relate to huge sums that have burdened the state and undermined trust between the citizen and the official. (Al-dinouri, 2022, 1) Where administrative decisions became tools for implementing their personal interests, this can be seen, for example, through the abuse of power and the commission of crimes such as bribery, embezzlement, and influence peddling for personal gain. As an inevitable result, the failure to implement laws such as the Integrity Commission Law, the Anti-Money Laundering Law, and the Iraqi Penal Code allowed influential people to continue to practice corruption. Also, it led to a decline in confidence between the citizens and the state in taking deterrent measures to combat corruption.

In response to the above findings, this article argues that the best way to combat corruption is to develop a clear strategy from the top of the pyramid (influential people) down to junior officials. Amid various previous studies related to the impact of administrative corruption in Iraq, no specific research addresses the effects of corruption on the decision-making process. Instead, it was limited to the impact of administrative corruption on economic, political, and social aspects. By analyzing cases such as embezzlement, waste of public funds, and abuse of power laws such as the Integrity Commission Law, and the Anti-Money Laundering and Terrorism Law and reports on bodies and studying statistics provided by internal and external organizations and bodies on administrative corruption in Iraq, this article tries to find appropriate solutions to this problem, which should not be one side but rather several aspects, including Political, economic, legal and social. Therefore, administrative corruption can only be combated by following the procedures and mechanisms based on well-studied plans, starting from top to bottom.

2. The Concept of Administrative Corruption

Administrative corruption is one of the most common forms of corruption in all branches of government. (Sumah, Borosak and Anzesumah, 2020, 143-144.) However, there are obstacles to accurately defining this type of corruption. Administrative corruption is often understood as a form of corruption that essentially includes an employee committing crimes related to public office, such as bribery and embezzlement, to achieve their personal interests or those of others. The term is frequently used too widely, leading to confusion with political corruption or seeing the two types of corruption as the same. (Kiyoka, 2021, 4-20). Consequently, numerous definitions of this crime have been provided, such as the one provided by Transparency International, which defines it as "misuse of power for personal gain". (Munyai, Anzanilufuno, Agbor, and Tong, 2020, 1-12). The World Bank defines it as "abuse of public office for personal gain". It considers corruption "the single greatest challenge to economic and social development" because it undermines the rule of



law and impairs the institutional framework needed to accelerate economic growth. In 1996, James D. Wolfensohn, the president of The World Bank at the time, officially proclaimed corruption a "cancer" and called for coordinated efforts to combat it wherever it exists.¹ Jim Yong Kim, president of the World Bank Group, echoed the claim, describing the effects of corruption as follows; (Younis, 2010, 101).

“Every dollar that a corrupt official or employee stuffs put into their own pockets is a dollar that has been taken from a girl or boy who deserves an education, from a pregnant woman in need of medical attention, or from people who depend on roads, water, and educational facilities. Every dollar counts to attain our 2030 objectives of eradicating extreme poverty and promoting shared prosperity.” (Blackburn and Forgues-Puccio, 2009, 797-801).

Jim Yong Kim referred to corruption in his speech, saying, “It is the first and most dangerous enemy,” especially in developing countries. The International Monetary Fund has declared that “the main causes of corruption are economic in nature, as are its consequences.” Likewise, Transparency International notes that “nine out of ten developing countries urgently need full anti-corruption support”. (Rahi, 2020, 30-38).

Therefore, corruption is a deviation in functional behaviour to achieve a specific personal goal and interest that conflicts with the interest of society. Corruption takes various forms. (Antonio and Rodrigues, 2022, 543-550). It aims to satisfy the material and moral desires of the deviant person illegally at the expense of others. It is a major cause of poverty, dissipation of wealth, dissatisfaction, underdevelopment, instability, and state fragility. (Salman, 2020, 1-2).

3. Literature Review

Administrative corruption is a serious problem that has worsened in various countries, especially developing ones. Its severity and extent have made it one of the most prominent issues faced over the past few

¹ World Bank. Helping Countries Combat Corruption. The Role of the World Bank”; September 21, 2024: www.worldbank.org/publicsector/anticorrupt/corruptn/coridx.htm [Accessed 02.02.2025].

decades. Due to the steady increase in this phenomenon, scholars of social sciences, political science, economics, and law have paid attention to it. Many national, regional, and international organizations have also emerged in response to the signs and symptoms of corruption to maintain societal stability by understanding the root causes of the problem, being aware of its effects, and reducing its damage. (Anku-Tsede, Olivia, Arthur, and Amankwah, 2022, 3-6). In light of this, the article seeks to clarify the specific research that addressed the issue of corruption and the extent to which it is reflected in various aspects through a review of the literature.

For instance, Myint claims that corruption mostly impacts economic problems. It is regarded as significant corruption because of its consequences on the government budget, income distribution, consumer patterns, investment outcomes, and society costs. (Myint, 2000, 45-52) In the same way, Nimri argued that financial corruption affected economic factors as well. (Al-Nimri, 2022, 27-28). Dr Stefan Umah stated that administrative corruption affects work performance regardless of a public servant's level of authority. (Sumah, Borosak and Anzesumah, 2020, 144-149.). On the other hand, Oleg Antonov demonstrated how corruption may impact a state's economy and is seen as an economic crime by connecting corruption to economic crimes. (Oleg Antonov and Lineva, 2021, 2-6). Mahdi Abolfazly noted that corruption exists because there is limited legal oversight, which erodes transparency. (Abolfazly, 2023, 31-37).

Regarding the corruption studies on Iraq, among them, for example, is Craciunescu, who argued that social issues such as corruption affect society and administration alike. As a result, there was a lack of transparency in the nation. (Craciunescu, 2017, 1-7). Saadoun continues, "Corruption is viewed as a crime like any other criminal phenomenon because it harms all social, economic, political, and other aspects of life. (Saadoun, 2015, 1092). According to Al-dinouri, corruption impacts every individual and all parts of society. It can also directly impact the state's economy by impeding economic progress. (Al-dinouri, 2022, 15.). Corruption also causes a societal



imbalance. As Ghali indicated in his research there may be economic impacts that aim to stifle economic growth and break the principle of social justice in dispersing public tax burdens, diminishing investor interest, and degrading exchange rates. Corruption reduces economic growth and investment. (Ghali, 2009, 198-203). They address the effects of corruption on the economic and social aspects of life, similar to earlier studies, but they did not explore the impact of corruption on the decision-making process. A few articles regarding Iraq will be mentioned in the research.

The foregoing literature suggests that the vast majority of corruption studies have demonstrated that administrative corruption directly impacts the state's economy, stifling economic progress. It also threatened the country's economy since the consequences were reflected in the government's budget, income distribution, investment, and other financial indicators. Some also referred to its effect on political and social issues, claiming it generated societal imbalances.

This article will examine another tendency that, while essential, has not been addressed in the preceding research and analysis: The Crisis of Administrative Corruption in Iraq and Its Repercussions on the Decision-Making Process. Decision-makers in public state entities perpetrate corruption of all forms. The decisions made have a direct effect on the behaviour of their maker. When a person becomes habituated to such behaviour, a corrupt individual jeopardizes the public interest by pursuing personal goals.

4. Administrative Corruption in Iraq: Facts and Figures

Administrative corruption has permeated the structure of Iraqi society and its governmental institutions across successive governments, significantly exacerbating this phenomenon. Under the previous regime, the country witnessed widespread corruption, with resources and power being exploited in various ways, which contributed to the entrenchment of this problem and made it more complex at the administrative and institutional levels. (AlSadi, 2018, 1-2). Following the fall of the previous regime in 2003, and before the formation of Iraq's first elected government, the nascent state

institutions witnessed widespread corruption in various forms of corruption, including administrative, financial, and political corruption. This prevalence is due to the absence of effective oversight mechanisms, which has led to weak control of institutional performance and a decline in standards of transparency and accountability. Unstable social, political, and economic conditions and increased corruption cases characterized this period in Iraq. This was manifested by a deviation in moral values to which Iraqi society was not accustomed, as well as instances of rapid financial gain through corrupt means and the use of violence to maintain job positions. (AlSadi, 2018, 3-10).

During that time, the lack of security, accountability, and transparency, along with weak enforcement of laws, contributed to the widespread prevalence of corruption. It affected state institutions, the employment system, and work ethics and allowed specific individuals to gain personal advantages by breaking the laws in society. (Craciunescu, 2017, 2-3).

Because of the widespread outbreaks of corruption, Iraq has attracted increasing international attention, as statistics and reports revealed shocking facts related to corruption practices involved in high-ranking officials and decision-makers who have wide powers. This reality has led to the movement of international and local organizations to formally monitor and document this phenomenon, with the aim of assessing its dimensions and effects on governance and public institutions. For example, Transparency International, the World Bank, the Arab Barometer Survey, and the Iraqi Federal Integrity Commission have all been involved in this effort.

Transparency International declared Iraq is ranked among the worst-performing countries on the Corruption Perceptions Index. In the 2023 CPI, Iraq received a score of 23, unchanged from the previous year, indicating that it ranked 154th out of 180 countries.¹ According to the Arab Barometer study for 2022, corruption is not

¹ The Corruption Perceptions Index (CPI), The corruption in Iraq, Transparency International. : <https://www.transparency.org/en/cpi/2023/index/irq>. [Accessed 08.03.2025].



Iraq's only problem; 26% of the population believes it is the most critical issue. Corruption is widely condemned in Iraq. In 2022, 93% of Iraqis feel that corruption is widespread in public institutions and among influential people and decision-makers. However, only 32% believe the government is cracking down on corruption, an increase from 2022 but still lower than the 40% who thought the same in 2013.¹

According to the latest World Bank data, Iraq ranks low in combating corruption. Iraq's anti-corruption percentile score was around 10.1 in 2021, which shows that Iraq is one of the countries with the highest levels of perceived corruption. According to World Bank statistics, corruption remains a significant concern affecting many sectors and hindering economic progress and public trust in institutions.²

In its annual report for the year 2023, the Federal Integrity Commission (FIC)³ announced the arrest of several senior officials in corruption cases. Judicial rulings were issued in corruption cases referred from the directorates and offices of the Federal Integrity Commission in Baghdad and the rest of the governorates based on the type of corruption crime and the concerned party. The defendants were referred to the judiciary after charges were brought against them and investigations were completed. The tables below show details in numbers about the types of crimes and the alarming numbers in administrative corruption cases.

Table 1. Statistics of red-handed persons in corruption cases.

¹ Arab Barometer – Wave VII, Iraq Country Report- Corruption.
: https://www.arabbarometer.org/wp-content/uploads/ABVII_Iraq_Country_Report-ENG.pdf.
[Accessed 08.03.2025].

² World Bank Group, control of corruption: percentile Rank- Iraq:
<https://data.worldbank.org/indicator/CC.PER.RNK?locations=IQ>. [Accessed 01.03.2025].

³ The Federal Integrity Commission (FIC) is an independent governmental body fighting corruption and enhancing transparency in Iraq. Established in 2004, its first law was issued in 2011 under "Integrity and illegal Wain". Later, its name was modified to the Federal Integrity Commission under a law issued in 2019. The authority is subject to the supervision of the Iraqi Council of Representatives, has a moral and administrative personality and independence, and aims to fight corruption and enhance integrity in government institutions.

Number of Accused	Type of Crime	Percentage
	Damage to public funds	19.25 %
	Bribery	24.40 %
	Public officials exceeded the limits of their powers	10.21 %
	Embezzlement	9.27 %
	Forgery	5.69 %
		31.18 %
TOTAL	1283	

Source: Annual report of the Iraqi Federal Integrity Commission for 2023.

Table 1 displays the Iraqi Federal Integrity Commission's annual report for the year 2023 and provides statistics on administrative corruption cases. According to the report, 1,283 individuals were caught engaging in corrupt activities. The data is organized by the type of crime and the percentage of individuals involved in each crime. The report highlights that bribery is the most prevalent crime, with public employees and individuals charged with public service being the main culprits. The ongoing economic challenges in Iraq have impacted a significant portion of the population, particularly state employees. However, the author of this study believes that these difficult circumstances do not influence honest employees. Some individuals have taken advantage of the economic conditions to justify engaging in criminal activities, using their positions for personal gain without concern for the legal repercussions.



Table 2. Statistics on judicial conviction decisions issued in corruption cases in various ministries.

Ministry	Bribery	Embezzlement	Damage to public funds	Negligence	Forgery	Others	No. of Judicial convicts
Ministry of Finance	4	18	44	21	10	35	132
The Ministry of Construction	4	5	15	29	7	4	64
Ministry of Justice	1	5	3	7	20	16	52
Ministry of Health	5	10	18	8	3	2	46
The Ministry of Industry	3	-	2	1	13	6	22
Oil Ministry	4	4	4	11	2	1	26
Ministry of Education							
Ministry of Interior							
Ministry of Electricity							
Ministry Of Agriculture							
Ministry of Labor							
Ministry of Commerce							
Ministry of Transportation							
Ministry of Higher Education							

Ministry of Immigration							
Ministry of Defense							
Ministry of Culture And tourism							
Ministry of Youth And sports							
Council of Ministers							
Ministry of Water Resources							
Total							

Source: Annual report of the Iraqi Federal Integrity Commission for the year 2023.

Table 2 provides a classification of judicial conviction decisions in corruption cases investigated by the Federal Integrity Commission in Baghdad and the governorates. It categorizes the cases based on the involved party and the type of corruption crime. The report presents statistics on corruption across all state ministries, highlighting the Ministry of Finance as having the highest percentage of corruption. The Ministry of Finance manages the state treasury, oversees state expenditures, and disburses salaries and project funds in the public interest. In contrast, the Ministry of Water Resources has the lowest corruption rate. The report also reveals that intentional damage to public funds in the Ministry of Finance accounts for 44% of corruption cases, indicating significant internal issues, particularly among employees, leading to this high percentage.



Table 3. Statistics on the number of defendants referred to the judiciary by the investigative bodies affiliated with the (FIC).

No	Investigation body	Minister	General Director	Member of Parliament	Member of the Provincial Council	Others have a lower position.	Total No. of defendants referred to the judiciary
1	Baghdad Investigation Directorate						
2	Al-Qadisiyah Investigation Office						
3	Dhi Qar Investigation Office						
4	Babylon Investigation Office						
5	Najaf Al-Ashraf Investigation Office						
6.	Salah al-Din Investigation Office						
7.	Nineveh Investigation Directorate						
8.	Diyala Investigation Office						
9.	Basra Investigation Directorate						

10.	Kirkuk Investigation Office						
11	Anbar Investigation Office						
12	Maysan Investigation Office						
13	Al-Muthanna Investigation Office						
14	Wasit Investigation Office						
15	Holy Karbala Investigation Office						
	Total						

Source: Annual report of the Iraqi Federal Integrity Commission for 2023.

Table 3 illustrates the classification of defendants referred from the Federal Integrity Commission's investigation directorates and offices in Baghdad and the governorates by position to the competent courts. It is noted that Baghdad has the highest rate of corruption, with 12 ministers out of a total of 15. This is a large percentage, but rather a disaster when it reaches senior officials with the minister position within one year. In addition to other positions, such as a representative in Parliament, which are supposed to be an example that serves the public interest, their number reached 12. This percentage is not small, but it also presents a great danger. The table also indicates the total number of corrupt people, which is 7,511. It can be imagined that this



number is spreading throughout state institutions like cancer spreading in the body, and the question is, can this body be saved?!

It seems that corruption has overtaken the state and has become the other face of corrupt groups using their political, financial, and administrative influence. The above statistics give a very dangerous indicator of the quality and quantity of administrative corruption in Iraq. The problem is not related to small employees and small amounts. Instead, it includes the whales of corruption, a common term in Iraqi society that describes state institutions' influential people and decision-makers. (Abdullah, 2018, 2). Because their corruption is not comparable to ordinary bribery related to a handful of sums but instead includes deals that strain the budget of an entire state, these deals were built on corrupt and flawed decisions taken by influential people and decision-makers in some state institutions. As a result, the decision-making process became an implementation of the interests of its makers in some quarters.

5. Making Good Administrative Decisions Requires a Fair Process Free of Corruption

The administrative decision-making process can be described as an expression of the will of the competent administrative authority to create a specific legal effect, whether that is establishing, amending, or canceling a specific legal status. (Graaf, Jans, Marseille, and de Ridder, 2007, 3-6). Moreover, it includes the steps and approaches to making a good decision. These procedures involve identifying the problem, collecting and analyzing relevant information, considering possible alternatives, and choosing the best action to reach that solution. It ensure that decisions are made efficiently, fairly, and in the public interest. (Paul, 2018, 610). They derive their legitimacy from legal norms based on the Constitution. (Parker, 2013, 82). As a manifestation

and outcome of public authority, the decision must satisfy all law provisions. (Paul, 2018, 611).

Problems will arise when an administrative decision does not meet any of the conditions stipulated in the legal system and is, therefore, defective or illegal. (Frumarova, 2015, 72). Therefore, this defect is considered a deviation of the authority from the path set by the law and administrative corruption in the general sense. (Thakkar, 2014, 321). Such actions will amount to the abuse of power to satisfy personal greed and a deviation from equity and the public interest. (Krishnan, 2017, p.5). Administrative authorities abuse their powers when they exercise them in the pursuit of personal interests other than those for which such powers were granted without regard to the legislature's intentions. (Parchomiuk, 2018, 459).

6. **Effects of Administrative Corruption on Decision-Making in Iraq**

Administrative authorities are public service institutions that directly engage with individuals. (Hardiyanti, Tuti, Yunus, and Irwansyah, 2017, 50-55). They utilize their authority to serve the public interest, and the law must exercise this authority. (Chandra, 2017, 136). However, these administrative authorities may abuse their power through corruption. In corruption cases, public officials provide services in exchange for financial rewards. This leads to a culture of corruption, where each service is accompanied by a financial reward, and employees are motivated to perform their duties in exchange for a commission. As a result, administrative decisions may be influenced by abuse of power, deviating from the public interest and legal principles. This includes breach of duty, as decisions may be made to accommodate the desires of the briber, embezzler, or the beneficiary decision-maker who exploits their position for personal gain.

7.1. **Abuse of Powers**



Abuse of power is a term used in the Iraqi legal system, derived from the French term *abus des Droit*. (Noori, Musa, 2022, 237). It means violating legal principles. It also refers to decisions based on illegal grounds, such as personal motives that are inconsistent with the standards and objectives of the powers granted to the administrative authority. (Paul, 2012, 568). Corruption is the misuse of power, either in an elected office or appointed position, for personal gain. (Artello and J.S. Albanese, 2019, 2-15). There is a connection between abuse of power and administrative corruption. Both are based on decisions made with corrupt motives and intentions, in violation of legal principles, to achieve personal interests. Administrative Corruption is defined as the abuse of public power for personal gain. (Collins, Uhlenbruck and Rodriguez, 2009, 89-105). Decisions are fertile ground for corruption, particularly when significant discretions, poor controls, and significant values are involved. (Lyon, 2017, 2-3). Corruption in decision-making refers to the deviation of administrative authority from the public interest in various matters. That is, decision-making conflicts with the public interest or results in an inaccurate or unfair advantage for oneself or others.

Deviation of power is one of the most severe flaws in administrative decisions because it concerns the essential elements of these decisions. (Thakkar, 2014, 322).

Moreover, this defect relates to the intentions or motives of the administrative decision-maker. Abuse of power could also be hard to detect unless the decision-maker's motives are well understood. (Krishnan, 2017, 7-10). Administrative authorities' decisions or actions would be flawed if they exercised their discretion in pursuit of personal interests. (Parchomiuk, 2018, 460). They must always consider the public interest when making administrative decisions. (Vitanski, 2015, 27).

In such cases, an administrative decision-maker cannot presume goodwill. Pursuing personal benefits surely contradicts the principle of good faith. In Iraq, there are many instances of individuals pursuing personal greed and gains at the expense of professional or functional ethics. “The administrative authority concerned issued a decision compelling the petitioner, a staff member who worked as a guard, to vacate his official accommodation. He challenged the decision, arguing that it was motivated by personal interests. The General Disciplinary Council¹ observed that the guard lived in one of the institute's residences designated for guards. Therefore, the administrative authority's decision to compel him to vacate his accommodation was not based on legal grounds. In fact, after reviewing the case documents and listening to the parties to the dispute, it became clear to the Council that the decision-maker wanted to occupy the guard's dwelling place himself. Accordingly, the General Disciplinary Council quashed that decision, insisting it was motivated by personal interests”.²

The absence of appropriate laws, the convoluted political conditions that Iraq went through in previous years, and the high levels of financial, administrative, and political corruption in the decision-making process have all combined to facilitate administrative authorities' abuse of power.

¹ The General Disciplinary Council was one of the most prominent institutions of the Iraqi State Council. This council exercises judicial powers under the law of disciplining state employees and public sector No. (14) of 1991. The Council was eligible to consider issues related to state employees. In 2013, this council was canceled under Law No. 17 of 2013 and was replaced (with staff courts). (Administrative Courts) were also established in addition to a supreme administrative court exercising the jurisdiction of the Courts of Cassation. These courts are practicing their competencies under the current State Council Law. See Law of the State Council No. 71 of 2017, Articles 1 and 7.

² APA v. Ministry of Higher Education and Scientific Research, case No. 93, DFSC. Para. 279 (2005).



7.2. Breach of Job Duties

The Iraqi Penal Code outlines certain crimes committed by public employees or those in public service under the title of Breach of Public Function. The most notable crimes are bribery, embezzlement, and exploiting an employee's influence or position. These crimes significantly impact the decision-making process in Iraq.

7.2.1. Bribery

Bribery is an agreement between two people, the briber and the person being bribed. The briber is the person of interest who provides the gift, benefit, or promise. The bribed person is an employee or person charged with a public service who requests or accepts a benefit or promise in exchange for an action or abstention from an action that falls within his jurisdiction or mission. Bribery is based on the idea of breaching the work of public office.¹

Bribery represents the deviation of a public employee in performing his job and the desired goal of his work, which is the public interest, to achieve purely personal interests. Bribery in Iraq greatly and negatively affects administrative decisions, including disrupting economic development, weakening citizens' confidence in government institutions, distorting justice, and exacerbating administrative corruption. The depletion of financial and administrative resources impedes development projects and the deterioration of infrastructure. Bribery also weakens citizens' confidence in government institutions, which leads to a decline in society's participation in supporting public policies. The interests of individuals who provide bribes overcome the public interest, which increases the complexity of anti-corruption efforts. Hence the seriousness of this crime and its negative impact on the public service. (Darwish, 2023, 2779).

¹ The Iraqi Penal Code, (1969). No. 111. Art.307.

In the well-known case in Iraq, in this serious case, “a former official was accused of receiving 4.6 billion Iraqi dinars as a bribe in addition to 1,560,000 US dollars. The complainant (the contractor) also demanded two luxury cars. After conducting the investigation and providing the evidence, the court issued a 10-year prison sentence (the maximum penalty). It imposed a fine of only 10 million Iraqi dinars (that is, 400 times less than the amount of the bribe”.¹

7.2.2. Embezzlement

Embezzlement means every employee or person charged with a public service who embezzles or conceals money, property, a document proving a title, or anything else that is found in his possession.² It is represented by the public employee changing his intention to possess the money that is in his hands as a trust from temporary possession to full possession for ownership. It occurs when the offender adds the money of others to his possession and appears as the owner, whether he disposes of it as if he sold it, mortgaged it, consumed it, or did not dispose of it. The connection appears here between the act of embezzlement and the intention to possess.³ Among the judicial applications of this act, “the Criminal Court/Second Tribunal decided to sentence the convict (the official in the pharmacy department) to a period of imprisonment for ten years for his role in the crime of embezzling (8030) boxes of (medicine for chronic diseases) from the Ministry of Health’s stores, which is valued at very large amounts. The court issued its rulings against the convict in accordance with the provisions of Article (316) of the Penal Code, pointing out that the right was given to the Ministry of Health to

¹ M.A.T. v H. A S. 70, CC, para 105. (2022).

² The Iraqi Penal Code, (1969). No. 111. Art.315.

³ Hearty, N. (2025, March 28). Embezzlement explained. Rahman Ravelli. <https://www.rahmanravelli.co.uk/expertise/white-collar-crime/articles/embezzlement-explained/>



demand compensation before the civil courts. It also decided to hand over the seized materials to the department for the purpose of disposing of it in accordance with the law”.¹

7.3. Exploiting Functional Influence

Exploiting professional power is one of the most dangerous manifestations of corruption. It means exploiting an individual or a group of individuals holding senior governmental positions in one of the state institutions or their influential party positions to achieve personal or utilitarian purposes, or emotional or tribal tendencies, or anything that falls under the penalty of exploitation. Therefore, this behavior violates the impartiality and fairness of government performance in the administrative decision-making process. (Rahman, 2021, 54-56) It is an illegal act carried out by a government employee or a person in a relationship with decision-makers to exploit his real or alleged job influence to obtain certain illegal interests, whether for himself or others. That is, he must have a strong relationship with public authorities or administrative bodies so that he can influence these authorities in making decisions in his favour in order for him to obtain benefits, jobs, deals, tenders...etc. (Siham, 2019, 42).

To illustrate the impact of administrative corruption, the study provided an example of this crime :“An employee exploited her position and seized an amount of (602,183,680) million dinars from the revenues from renting agricultural lands in the year 2022. The court reached sufficient conviction for conviction after reviewing the accused’s confession during the preliminary investigation stage, the statements of the legal representative of the Directorate of Agriculture, the statements of witnesses, and the recommendations of the investigative committee. The court found that This evidence was sufficient and convincing for conviction, and the Criminal Court

¹ The Ministry of Health v. M.A.,320, CCST para. 270 (*Rusafa*, 2022),

issued its decision to imprison the convict for a period of fifteen years in accordance with the provisions of Article (316) of the Penal Code and obligated her to pay an amount of (602,183,680) million dinars to the Directorate of Agriculture in accordance with the provisions of Article (321) of the Penal Code”.¹

The impact of this phenomenon on the administrative decision-making process may be significant. It may lead to unfair decisions that serve personal interests rather than the public interest, in addition to a loss of trust between employees and management. This negatively affects the work environment and leads to deterioration of performance and decreased work efficiency and effectiveness as a result of ill-considered decisions.

7. Causes of Administrative Corruption in Iraq

Administrative corruption in Iraq is a widespread and deep-rooted problem. It hampered the country's development for decades. Understanding the causes of this corruption requires careful study that examines the historical, political, economic and legal reasons that may contribute to it. (Davydenko, 2019, 61-66).

- 1) **Historical Reason:** The instability of the situation in Iraq over the past two decades has been one of the main reasons for the spread of corruption in the country. ²After the collapse of the previous regime in 2003, chaos prevailed, and competing political factions rushed to fill this vacuum. While partisan power struggles later created an atmosphere of mistrust in its power struggle. The pursuit of power and influence is closely linked to personal gain. As a result, decision-makers and influential figures often exploit their political and

¹ The Ministry of Agriculture v. M.N.N. CC. Para 18. (2023).

² Filonenko, A. (2018). Cultural roots of corruption in Ukraine: <https://core.ac.uk/download/197268510.pdf>. [Accessed 07.05.2025].



administrative positions for financial gain. The concept of influence has evolved, and the primary objective now is to accumulate wealth, secure lucrative contracts and privileges, and control material and financial resources. This environment has encouraged many officials to exploit their positions through bribery, embezzlement, and manipulation of public funds for personal gain. (Al-Rubaye, 2022, 15-17).

- 2) **Political Reason:** Political instability has undermined the performance of institutions in combating corruption, explaining that the judiciary, law enforcement institutions, and regulatory bodies often faced interference and influence on the course of administrative decisions in light of an unstable political climate, which hindered their ability to prosecute the corrupt and hold them accountable. Contemporary events in Iraq have demonstrated that political instability has affected both the sustainability and effectiveness of governance institutions. Government structures have tended to change frequently and decisions in the public interest have not been easy to execute. This reality has obscured reform efforts and diminished the state government's capacity to meaningfully drive its anti-corruption work. The spread of the phenomenon of nepotism has also contributed to the spread of corruption, as in many cases, important positions are filled based on personal relationships and not competencies, which enhances the opportunities for corruption to flourish. (Myint, 2000, 53-56).
- 3) **Economic Reason:** Economic reasons contribute greatly to the dominance of corruption in Iraq. The country's economy relies heavily on oil exports, which leads to the concentration of wealth and power on one resource. Mismanagement, embezzlement and bribery are the reasons behind the emergence of corruption in areas such as public procurement, contracts and resource allocation. Lack of economic

diversification, and dependence on hydrocarbon revenues, undermine prospects for economic growth and development and are a source of endemic corruption. Concentration on one industry would leave other sectors susceptible to bribery and neglect. When a lot of one's country's wealth is closed off from one kind of wealth, oil, the system can be manipulated and supernally in its interests. Moreover, the absence of healthy and varied economic base there is a higher probability for people to receive behavior. (Ali, 2019, 71-76).

- 4) **Legal Reason:** The failure of the concerned authorities to implement the law effectively leads to the protection of corrupt officials and the lack of confidence of individuals in the government and its institutions. Also, when citizens feel their government cannot bear responsibility, they feel disappointed and disconnected from the democratic process. This undermines the government's social contract with its citizens and hampers efforts to promote good governance and accountability. (Ali, 2019, 126-129).

The bottom line is that the fight against corruption is indeed a wicked problem. Rooting out corruption and enacting real change is something that needs to be done. Hence, solutions that are based on these causes and the root cause of bribery are required to make a significant headway

8. Remedial Measures

The best way to address administrative corruption is to develop a comprehensive strategic plan that starts from the top down. Myint, stresses that repairing the roof is a good idea to start cleaning and restoring the house properly. (Myint, 2000, 54). To eliminate corruption, there must be a sincere desire to end all its manifestations and forms in light of real, practical, concrete steps. These curing cannot be limited to one side or another, as they must include political, economic and social aspects. (Al-Ziyadi, 2022, 142).



- 1) **Political aspects:** Combating corruption depends on higher authorities setting up model for their honesty. The law has to operate most of all against high officials. The task of ensuring the integrity of the process and counteracting corruption demands broad reform programs with the backing of the ruling elite. Honesty, integrity and transparency of senior job leaders are big and basic enablers of integrity of other categories of employees. Here, it is necessary to tighten control over the actions of senior employees and require them to submit periodic reports on all types of their assets. The government must support oversight and integrity agencies and give them broad powers. Providing the regulatory, investigative and judicial agencies with material and human resources, expertise, modern technologies and sufficient scientific means. To enable it to perform its tasks. In addition to developing the regulatory, financial and administrative systems to ensure transparency. Officials carry out direct field monitoring and work on accountability for every official, regardless of his job position. (Ghali, 2009, 204).
- 2) **Economic aspects:** It is wise to have fair wealth distribution, improve workers' lives and get rid of the huge gaps between salaries and grants. It is a painful reality, which shows deviant and corrupt acts in the state systems and the scarcity of loyalty and patriotism. This requires reconsidering the levels of salaries and wages from time to time, abolishing multiple salaries, and setting a higher ceiling for the salaries and wages that an individual receives because of the economic aspects and deteriorating conditions, as well as the rise in the cost of living, is one of the factors that motivate corrupt behaviour. (Al-Rubaye, 2022, 8-15).
- 3) **Administrative aspects:** The administrative environment must be characterized by a high degree of awareness and transparency, preventing administrative corruption. In addition, the optimal selection

of leaders, the fair distribution of powers and responsibilities, and the abolition of unnecessary positions also contribute to reducing the waste of public money, which is a common right for all the people of Iraq. This is considered administrative corruption, which establishes the expansion of the circle of corruption and leads to the disbursement of millions of funds to companies. Special protection for individuals and officials without exception. (Alsaad & Mohsen, 2017, 47-52).

- 4) **Judicial aspects:** Expediting the resolution of corruption cases and implementing the principle of compensation for those whose rights and interests are harmed by corruption after a final judicial ruling from the competent authority proves this. In addition, it encourages and urges citizens to cooperate with the authorities concerned with combating corruption and reporting corruption crimes and their perpetrators. Rapid judicial measures must also be taken to review all previous contracts and expenses. And insisting on recovering violations, bribes, and kickbacks. Also, it sets strict penalties for those who commit corruption in various forms. To be a deterrent to other spoilers. (Hassan, 2020, 215-222).

9. Conclusion

It seems that the administrative corruption in Iraq has expanded significantly. Its concept is no longer limited to bribery or embezzlement, carried out by a simple employee, but rather includes the highest job grades of employees and officials. It has become more complex, organized, widespread and professional. Therefore, it began to effectively influence the decision-making process in taking legal measures to combat it due to the influence of senior officials through their assuming leadership positions and even decision-making positions. Therefore, influential people have control over making political, economic, investment, commercial, or financial decisions and exploit them for personal, partisan, and factional interests. This



results in mismanagement of economic and financial resources. It is the most important, comprehensive, and dangerous. Because it costs the state huge sums, it also prepares the appropriate ground to corrupt the lower ranks and encourage them to do so. Therefore, despite the attempts of successive governments to combat administrative corruption, they fall short of ambition. What was mentioned in the statistics cited in the study, which are for one year, warns of a catastrophe in state institutions' corruption rates. This indicates low government oversight, weak law, and the absence of important legislation. This defect has activated administrative corruption in Iraq and led to the lack of regulatory and legal standards and foundations and their application, leading to the exploitation of public office. Therefore, the file of administrative corruption in Iraq has become one of the major crises facing the Iraqi government at present.

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