The Principle of Ethics behind the Definitions of Corruption

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Abstract: In this article, I will analyze the main criteria of corrupt action and the ethical view behind the definitions of corruption. I analyze some definitions, among which belong to Transparency International, The Asian Development Bank, The Korean Independent Commission against Corruption, and the Indonesian Act of Corruption Crime. I show that generally, there are three main criteria to identify corrupt action, first the misuse of authority, second the evidence of grant seeking, and third is detrimental to the economy or finance of the state. In analyzing the ethical view, I use two schools of ethics i.e., deontological ethics and teleological ethics. Based on this view, I conclude that behind the definitions of corruption, we find that teleological ethics is more dominant than deontological ethics. Perhaps, it is easy to understand why this basis of view is used in understanding corruption. The most important is because it is practical and easier for identifying corrupt action.

1 INTRODUCTION

In this article, I will explore the criteria to understand why an action is seen as a corrupt action. In this article, I also want to see the ethical perspective behind the definitions of corruption. To do this study, I need, firstly look at the definitions of corruption stated by some conventions and acts. I analyze the main criteria to decide an action as corrupt. To see the principle of ethics in the definitions of corruption, I utilize two ethical perspectives as an approach i.e., deontological ethics as formulated by Immanuel Kant (1724-1804) and teleological ethics, especially in perspective of utilitarianism as formulated by Jeremy Bentham (1748-1832). Through this study, we can see what the main criteria of corruption and the ethical perspective behind the definitions are.

2 METHODOLOGY

This study will see the definitions of corruption as the main focus. I will refer to some definitions as stated in conventions, documents, and acts, like United Nations Convention Against Corruption, the document in OECD, Transparency International, The Asian Development Bank, The Korean Independent Commission against Corruption, and the Act of Crime Action of Corruption in Indonesia. Through this exploration, we will see the similarities and the differences among definitions. So, based on this exploration, we can see the main criteria of corrupt action by that the definition is established.

Then we come to see the ethical perspective behind the definitions of corruption. We use two schools of ethics in analyzing the content of the definition of corruption i.e., deontological ethics and teleological ethics. Deontological ethics is a view of ethics that believes that a good thing is good because it is good in itself. It is good not because of its good implication or its good consequence. So, it is good because it is good in itself (Kant, 2002: 10).

"The goodwill is good not through what it effects or accomplishes, not through its efficacy for attaining any intended end, but only through its willing, i.e., good in itself, and considered for itself, without comparison, it is to be estimated far higher than anything that could be brought about by it in favor of any inclination, or indeed, if you prefer, of the sum of all inclination. then it would shine like a jewel for itself, as something that has its full worth in itself."

Whereas teleological ethics is the opposite of deontological ethics. This view sees the good thing because of its good implications. The popular jargon in this ethics is the greatest happiness for the greatest number (Mill, 1906:9).

2.1 Deontological Ethics

Deontological ethics most refers to an eighteenth German philosopher, namely Immanuel Kant (1724-1804). In understanding the concept of the good, he said that something could be called good because it is good in itself. It is called as good not because of its implication or its consequence, but because it is indeed good in itself (Kant, 2002: 10). In this view, human beings must do this good thing as the categorical imperative. This differs from the hypothetical imperative. In hypothetical imperative, an obligation must be fulfilled if we want to achieve what promised as a consequence. For example, I must drink medicine if I want to be free from sickness. Thus, if we don't want it, medicine drinking is not an obligation. Whereas categorical imperative is an obligation, we cannot avoid as human beings. In other words, the categorical imperative is an unconditional imperative (Kant, 2002:31).

According to Kant, the categorical imperative statement is "act morally!". As human beings, we cannot avoid this imperative in terms that we must act morally. Then how do we act morally? The moral action, according to Kant, is if the action could be universalized and based on the perspective the human beings end in itself, not as means (Kant, 2002: 37; 45).

The principle of universalization is a kind of way to know whether the action could be seen as good or not. This is like the principle of the golden rule, if you like to be respected, then respect the others! So, respect and honest action are good because they could be universalized. Other people and we must agree that those actions are good in itself. Then we can conclude that this kind of action is a moral obligation in terms of the categorical imperative. Everyone must respect and be honest with each other unconditionally. We need to underline the importance of the motive of the actor to do this action. Human beings are obliged to respect and be honest because they are an obligation. If they do the same actions with the motive of a good impact, then we cannot categorize the action as ethical. For example, if a merchant is honest with the motive to attract the attention of consumers, this action is not ethical, according to Kant (Sandel, 2009:111-113).

The next principle is that moral action must place human beings as an end in itself, not as a means. The action to respect or care for others, for example, if someone does these actions with the motive that the other will respect or care for himself, we can categorize these actions as a means to achieve other things. People do not do these actions because they are obligations to human beings. The action to respect and care is, in itself, an unconditional obligation. Based on this interpretation, deontological ethics conceptualize moral action as a good thing in itself. The action is good, not because of the implication or consequence.

2.2 Teleological Ethics

Principally, teleological ethics is the opposite of deontological ethics. These ethics see good action by its implication or impact. Utilitarianism is one of these ethics. In utilitarianism, something is good if the impact is good. If the impact is bad, then the action is bad (Mill, 1906:10). So, what we must see in this ethics is the aspect of utility or benefit (Bentham, 1823: 2). The most popular jargon in this ethics is the greatest good for the greatest number (Marry, 2003:1). Based on this principle, we categorize utilitarianism as teleological ethics because the good thing must be measured by the impact and consequence.

These ethics concentrate basically on impact or result. For most people, utilitarianism is very popular. Practically, if we must decide an option, most people will consider the impact of options. They will choose the option having the most benefit for the most people. And rationally, they will avoid the riskiest option for most people. Bentham (1823: 1) said that "Nature placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determinate what we shall do. …They govern us in all we do, in all we say, in all we think…" At some level, we categorize this perspective as teleological. Then, through these two ethical perspectives, we will analyze the content of the definitions of corruption.

3 THE DEFINITIONS OF CORRUPTION

Firstly, we need to see the etymological term for corruption. Etymologically, as a noun, corruption, in material things, especially dead bodies, means "act of becoming putrid, dissolution, decay;" and of the soul and morals, etc., means "spiritual contamination, depravity, wickedness," (https://www.etymonline.com/word/corruption). As a verb, corrumpere means in mid-14c., "deprave morally, pervert from good to bad;" an in late 14c., "contaminate, impair the purity of; seduce or violate (a woman); debase or render impure (a language) by

alterations or innovations; influence by a bribe or other wrong motive" (https://www.etymonline.com/word/corrupt). From this etymological term, we can see the meaning of corruption as making a good thing bad (Priyono, 2018: 22-23).

Bo Rothstein and Aiysha Varraich define corruption as the opposite of impartiality like clientelism, patronage, patrimonialism, particularism, and state capture (Priyono, 2018: 26-27). Based on this understanding, corruption is an action that is not in line with the principle of objectivity and fairness. The inclination to one thing instead of another thing which is proper and fits is a corrupt action in this meaning. Of course, this meaning of corruption is very broad. In the terminological definition, we need to specify the meaning of corruption.

However, we found that some conventions and documents face difficulty in defining corruption precisely. Some of them do not give a specific terminological definition. United Nations Convention against Corruption is among them. Instead of establishing the definition, it defines corruption by giving concrete actions which are categorized as corrupt, like "bribery of national public officials", "bribery of foreign public officials and officials of public international organizations", and including "embezzlement, misappropriation and other diversion of property by a public official" and obstruction of justice (UN Convention, 2004: 17-18). Based on these provisions, the convention tries to define international standards of why corruption is criminalized by prescribing specific offenses rather than through a generic definition (OECD, 2007: 19).

The OECD and the Council of Europe are doing the same. They do not define the whatness of "corruption." They prefer to establish the offenses for a range of corrupt behavior (OECD, 2007: 19). The OECD Convention establishes the meaning of corruption as the offense of bribery of foreign public officials, while the Council of Europe Convention as trading in influence, and bribing domestic and foreign public officials (OECD, 2007: 19). Based on this meaning, we find a broad range of corrupt activities. The difficulty in defining corruption is because there are many manifestations of corrupt activities. Culture, social, and political context contributes significantly to a variety of the definition of corruption. Within these definitions, there is no consensus about what specific acts should be included or excluded.

But, one frequently-used definition of corruption is the "abuse of public or private office for personal gain" (OECD, 2007: 19). This definition covers a broad range of corrupt activities either done by public or private. Generally, the public office is more often understood as corrupt agents if they do abuse of authority than private. As we can see in Transparency International definition: "Corruption involves behavior on the part of officials in the public sector, whether politicians or civil servants, in which they improperly and unlawfully enrich themselves, or those close to them, by the misuse of the public power entrusted to them" (OECD, 2007: 20). On the website, Transparency International defines corruption as "The abuse of entrusted power for private gain. Corruption can be classified as grand, petty and political, depending on the amounts of money lost and the sector where it occurs" (https://www.transparency.org/glossary/term/corrupt ion). We can also see in the Korean Independent Commission against Corruption which promotes the reporting of "any public official involving abuse of position or authority of violation of the law in connection with official duties for the purpose of seeking grants for himself or a third party" (OECD, 2007: 20)

The wider actor of corruption is found in the definition of the Asian Development Bank. They define: "Corruption involves behavior on the part of officials in the public and private sectors, in which they improperly and unlawfully enrich themselves and/or those close to them, or induce others to do so, by misusing the position in which they are placed" (OECD, 2007: 20, see also https://www.adb.org/documents/anticorruption-policy). In terms of the wider actor can also be found in the Indonesian Act of corruption crime number 31, 1999, junto Act number 20, 2001, in articles 2 and 3. The act defines corruption as "Any person who unlawfully commits acts of enriching himself or others or a corporation that can be detrimental to the country's finances or the country's economy…" and "Any person who aims to benefit himself or someone else or a corporation, misuse the authority, opportunity, or means available to him because of his position that can harm the country's finances and the country's economy."

Overall, based on those definitions, we can find some key terms of corrupt action like "unlawful," "enriching himself," "enriching third party," "detrimental to the finance or economy of the country," and "misusing position." So, if we summarize the definitions, corrupt action must contain unlawful, including misuse of position, the motive of seeking grants, and detrimental to finance and economy of the country. And the actors of corruption can come from public officials or private

officials. But one another has a different emphasis. We can specify the definitions one by one.

In the Indonesian Act of Corruption Crime, we see the definition focuses on the misuse of position by either public or private officials that is detrimental to the economy of the country. In this definition, we can identify the orientation to impact or consequence. We can also identify unlawful action or misuse of position in this definition. The emphasis on lawful obligation may be found here. But we see then that the misuse must have a motive of grant seeking or enriching himself or third party. We cannot identify this as a deontological view of ethics. Based on this specification, the misuse of position which doesn't

enrich the actors and third parties cannot be categorized as corruption.

In the definition of the Asian Development Bank, it emphasizes the misuse of authority to seek grant done by public officials and private officials. The definition doesn't make detrimental to the economy of the state as criteria in corrupt action. It more underlines the criteria of misuse and grants seeking. In some way, this definition is similar to Transparency International and The Korean Commission Independent against Corruption's definition. Except that the two later don't make private officials as actor underlined in the definition of corruption.

Table 1: The Definitions of Corruption

Definition	Actor	Criteria I	Criteria II	Criteria III
Indonesian Act of Corruption Crime	Public and Private Officials	Misuse of Authority	Grant seeking	Detrimental to Economy and Finance of the State
The Asian Development Bank	Public and Private Officials	Misuse of Authority	Grant seeking	-
The Korean Independent Commission against Corruption	Public Officials	Misuse of Authority	Grant seeking	-
Transparency International	Public Officials	Misuse of Authority	Grant seeking	-

If we use the perspective of deontological and teleological ethics to read the definitions of corruption, we that the orientation of teleological ethics is more dominant. We see this perspective in criteria II and III, which is detrimental to the economy of the state and the motive to grant seeking. Whereas the criteria I, i.e., the misuse of authority, literally, we identify it as the deontological view that an official must fulfill their duty and obligation. In the name of this duty, he is prohibited from misusing the authority.

But as we have stated above, the deontological ethics presuppose the motive to duty. People can do the same action, for example, being honest, but the different motive makes a different conclusion, whether the action is categorized as deontological or not. If being honest by a shop seller is motivated to attract consumer's attention, the action cannot be categorized as deontological ethics. Only if he has a motive to duty, that being honest is an obligation in terms of the categorical imperative, we can categorize the action as ethics from a deontological perspective. If the doer is honest to attract consumer attention, we place this action as teleological.

So, based on this requirement, practically, deontological ethics is very difficult to be identified. If ethical action presupposes the right motive of the

actor, our conclusion to the action is almost impossible. We do not know the motive of the actor. What we can see is just the action. The motive rightly inhabits inside of the actor's heart. One action may express a deontological action, but if the motive of action is not to duty, the action rightly is not deontological. On the other side, we are possible to identify teleological actions. The measures are tangible and very clear that we can see the criteria of impact, whether good or bad.

In the actions categorized as corruption, detrimental to the economy, and grant seeking is far easier to identify than identifying the motive of the actor to do the duty of categorical imperative. Hence, it is easy to understand why the teleological considerations are more applicable than deontological in identifying corrupt actions. Even the misuse of authority then must be connected to grant seeking. This telos makes it easier to identify corruption in the action of the misuse of authority. Based on this analysis, we can see that the teleological perspective, especially in terms of utility impact becomes the basis in identifying corrupt action.

The other aspect we need to underline in the definitions of corruption is about the scope of the actor. Generally, the actor in the definitions of

corruption concentrates on public officials. In the definitions above, we find that The Asian Development's definition states the private official. Whereas in the Indonesian Act of Corruption, Crime generally says, "Any person…" so that includes public and private. We have seen that many private officials have been arrested by the Corruption Eradication Commission of the Republic of Indonesia because of their bribery to public officials. Of course, this is a good thing in the context of corruption eradication.

4 CONCLUSION

Generally, the main criteria in the definitions of corruption are about the misuse of authority by public officials to seek grants for himself or a third party. Almost all definitions contain this main aspect. Another definition adds the scope of the actor and the criteria. The Asian Development Bank and Indonesian Act of Corruption Crime add the private official as the term of the actor. And for the later only, it adds the criteria of detrimental to economy and finance of the state. Every definition, of course, arises in the special political and social context, so that the definition emphasizes its important problems to solve.

In the ethical perspective, we see that most of the definition emphasizes the teleological ethics. The impact and consequence become the main criteria in understanding corrupt actions. It is easy to explain why the teleological is more dominant in the definitions of corruption. The reason is that the impact and consequences are practically far easier to identify corrupt actions. The misuse of authority to seek grant for himself or third party is easy to trace. We also can to measure the detrimental to the economy or finance of the state. We will be in difficult if we must identify integrity action done by a person, whether its motive is to act obligation in terms of categorical imperative or not. But at the same time, we must realize that ethical action is if we act something because it is a good thing, without consideration of the consequence. We must be honest unconditionally, no matter it will have a good impact or not. Indeed, at the practical level, it is difficult to apply this ethical conception. Using the impact perspective is more practical and easier in identifying corrupt actions.

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