

HISTORICAL AND LEGAL PERSPECTIVES ON THE TRANSFORMATION OF INFLUENCE PEDDLING

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Abstract

One of the serious social phenomena, with a particular magnitude, with a varied and complex form, manifested up to the highest levels of society, is corruption. The mechanism for legal treatment of corruption in the public sector, established in the national laws of several countries, was based on international experience, accumulated in this field both globally and in Europe, and reflected in the adoption of major normative acts.

The evolution of corruption over time has demonstrated its complex and almost universal character, penetrating not only the spheres of state and public administration but also the economic and commercial sectors, credit-banking relations, the capital market, etc.

Keywords: phenomenon, corruption, evolution, legislation, regulations, economic sector, legal treatment

Introduction

Dating back to ancient times, corruption constitutes one of the most detrimental yet persistently pervasive patterns of conduct among public officials and elected representatives. In more recent decades, the scope of this phenomenon has expanded to encompass unethical and illicit practices within the private sector as well.

Corruption, intrinsically associated with power structures and governance, may be regarded as coextensive with the very emergence of political organisation. Nonetheless, it poses a persistent threat to democratic governance, the rule of law, social equity, and justice, as it corrodes the foundational principles of effective public administration, distorts market economies, and undermines the stability and legitimacy of state institutions.

Materials and methods

Materials

In conducting this study, a multidisciplinary methodology was employed, incorporating analytical, historical, deductive and inductive reasoning, statistical analysis, comparative techniques, and synthetic approaches. The earliest recorded reference to corruption within the public service apparatus can be traced to one of the oldest legal and administrative sources—the state archives of Ancient Babylon—dating back to the latter half of the 24th century BCE. During the Sumerian and Semitic period, King Urukagina of Lagash, a prominent Sumerian city-state, initiated a comprehensive reform of the administrative system. These reforms sought to curtail the abuses perpetrated by state officials and magistrates, to eliminate unauthorised demands for offerings by temple personnel under royal authority, and to regulate and reduce excessive ceremonial payments, thereby laying early foundations for principles of administrative accountability and integrity in governance (Bouhris R.Y., 2021, p.76).

Methods

The methodology employed encompasses normative analysis, doctrinal interpretation, comparative legal research, and case study examination. The study adopts a qualitative approach to assess the adequacy and implications of current legal norms governing the relevant legal aspects. By integrating comparative perspectives from other European legal systems and interpreting statutory provisions through doctrinal and jurisprudential instruments, the paper identifies legislative inconsistencies and advances targeted reform proposals to enhance legal coherence and reinforce the principle of equity.

Results and discussion

In the 5th century BCE, India, Kautilya (also known as Chanakya), the Chief Minister to Emperor Chandragupta Maurya, provided a detailed account of corrupt practices in his seminal treatise *Arthashastra*. Within this foundational work of political and administrative science, Kautilya identified no fewer than forty distinct methods by which state officials could illicitly appropriate public revenues.

Despite this detailed classification, he offered a profoundly realistic - and somewhat pessimistic - assessment of bureaucratic integrity, stating: “Just as it is impossible not to taste honey or poison when it is placed on the tip of the tongue, so it is impossible for a government servant not to appropriate at least a part of the king’s revenue.” Kautilya further concluded that the sovereign’s wealth is inevitably subject to misappropriation by those entrusted with its administration, thus acknowledging a systemic vulnerability in public governance long before the formal codification of anti-corruption norms (Lupașcu Z. 2024, p. 42).

The pervasive occurrence of corruption in Ancient Greece prompted prominent philosophers to advocate for severe punitive measures. Plato, alarmed by the frequency with which public officials accepted gifts in exchange for fulfilling their duties, proposed the death penalty as an appropriate sanction. He emphatically declared: „You must not receive gifts, neither for good things nor for bad things.”

Similarly, Aristotle expressed concern regarding the vulnerability of officeholders - particularly those in managerial or advisory roles, such as members of the council of elders - to bribery. He noted their tendency to prioritize personal interests over public responsibilities, urging a shift in moral orientation and administrative conduct.

This normative concern extended beyond philosophical discourse into legal and rhetorical practice. In the writings of classical Greek orators such as Dinarchus, Hyperides, and

Demosthenes, both the offering and acceptance of bribes were condemned as egregious offenses. Sanctions included capital punishment or the imposition of fines equivalent to the value of the bribe received. Particular gravity was attributed to judicial corruption, as it resulted in illegitimate transfers of property and subversion of justice, thereby undermining the integrity of the legal system and the principle of lawful adjudication.

This universal moral denunciation is echoed in major religious traditions, which consistently single out judicial corruption as especially reprehensible. The Hebrew Bible proclaims: „Do not accept gifts, for gifts blind those who have open eyes and pervert the decisions of the righteous” (Exodus 23:8; Deuteronomy 16:19). Likewise, the Qur’an warns: “Do not wrongfully appropriate one another’s property nor use it to bribe the authorities so that you may deliberately and unjustly consume a portion of others’ wealth” (Qur’an 2:188) (Байболов К., 2019, p.105).

In the Roman Empire, offenses committed by corrupt public officials were sanctioned with heightened severity, with penalties including not only the principal forms of punishment but also exile and the confiscation of property *confiscatio bonorum*. (Байболов К., 2019, p.117)

During the Middle Ages, the prevalence of corruption remained significant, despite sporadic efforts to curtail it. In this historical context, the concept of corruption assumed a predominantly ecclesiastical and canonical connotation, referring primarily to spiritual decay, moral seduction, or enticement by diabolical forces.

Within Catholic theology, corruption came to be understood as a manifestation of sin itself. Following the Fall of the first humans, human nature was deemed inherently corrupt - a dual condition marked by both a propensity for good and an inescapable inclination toward sin. Original sin was interpreted as the fundamental source of all moral and spiritual transgressions, a view profoundly articulated in the writings of Saint Augustine and later systematically developed by Thomas Aquinas. In this theological framework, corruption was not merely a moral failing but a hereditary condition embedded in human existence, shaping the anthropological and doctrinal foundations of medieval Christian thought (Vidaicu M., 2021, p.48).

As human societies evolved, one of the most notable early anti-corruption reforms was implemented under Emperor Andronikos I Komnenos of the Byzantine Empire. In an effort to reduce the susceptibility of public officials to bribery, salaries across the imperial bureaucracy were significantly increased. Judicial appointments were reserved for individuals of proven integrity and moral rectitude, with a view to ensuring impartial and incorruptible adjudication. Fiscal reforms were also undertaken: the tax burden on the population was alleviated, while rapacious tax collectors were subjected to rigorous punitive measures. The emperor extended his anti-corruption campaign to the higher echelons of power, enforcing stringent sanctions against powerful landowners, and even ordering capital punishment for several members of the Byzantine aristocracy implicated in corrupt practices.

In 1337, a landmark judicial proceeding was conducted in Byzantium targeting systemic corruption within the imperial judiciary. Members of the Byzantine Judicial College were formally charged with accepting bribes, and, as a consequence, several were

sentenced to exile and had their assets confiscated, marking a significant moment in the assertion of accountability within imperial legal institutions.

Under early French law, corruption was severely sanctioned, particularly among public officials such as governors and intendants, who were penalized for accepting payments in exchange for relieving individuals from compulsory public duties or for securing personal advantages. Similarly, feudal lords were held accountable for exempting select taxpayers, while officers of the judiciary -including clerks and judges - were punished for abuse of office and for rendering decisions influenced by improper interests.

The jurist Daniel Jousse notably observed: „Judges are corrupt not only when they explicitly agree to act in exchange for payment, but also when, in the absence of any formal agreement, they accept gifts under the guise of gratuities.”

A significant milestone was reached with the adoption of the French Penal Code of 1810 (Code Napoléon), which for the first time introduced explicit and severe criminal sanctions for acts of corruption. The legislative model established by the Napoleonic Code subsequently influenced the penal legislation of the majority of continental European states, serving as a normative blueprint for anti-corruption provisions.

In the historical legal tradition of Moldova, judicial accountability for corruption was likewise emphasized. According to legal practice of the time: „If it is proven that a boyar issued an unjust decision due to bribery, bias, or ignorance of the law, he shall be subject to severe punishment.” This illustrates the early recognition of the principle that impartial adjudication must be safeguarded through firm punitive measures against corrupt magistrates.”

The modern conceptualization of corruption emerged at the threshold of the New Era, coinciding with the formation of centralized state structures and the consolidation of codified legal systems. A significant intellectual contribution to the understanding of corruption in its contemporary sense is found in the political writings of Niccolò Machiavelli, whose insights provide a foundational framework for interpreting the dynamics of institutional decay and the erosion of public integrity.

Machiavelli famously likened corruption to phthisis (tuberculosis) - a metaphor underscoring both its insidious onset and its progressive destructiveness. He observed: „At the beginning, the disease is difficult to diagnose but easy to cure; if left untreated, it becomes easy to identify but nearly impossible to cure.” The same, he argued, applies to corruption within the state: if detected and addressed in its incipient stages - an ability reserved for prudent and vigilant rulers - it can be eradicated with relative ease. However, once it has metastasized and permeated the institutions of governance, its manifestations become visible to all, yet no remedy proves effective.

This analogy captures the core principle that early recognition and intervention are essential to safeguarding the integrity of political systems, and that delayed responses to systemic corruption often result in irreversible institutional dysfunction (Iachimov S., 2023, p.57).

Robert Merton, employing a functionalist framework to analyze the political structure of the United States, demonstrated that corruption must be examined within the specific socio-institutional context in which it arises. He contended that corruption is not a universally uniform phenomenon but one that acquires meaning and impact relative to the structural and normative conditions of a given system. In certain instances, he argued, corruption may perform latent functions that contribute to the maintenance or even the

adaptation of societal structures, particularly in contexts where formal institutions are inefficient or inaccessible (Бербова О., 2011, p.37).

In late 1964, Nathaniel Leff of Columbia University advanced the provocative thesis that corruption, under certain conditions, may serve as a mechanism for introducing competitive dynamics into otherwise monopolistic and inefficient sectors of the economy. He argued that by circumventing rigid regulatory constraints, corrupt practices could inadvertently stimulate market efficiency and foster a degree of economic dynamism within heavily controlled industries.

By the 1990s, however, the global discourse on corruption underwent a paradigmatic shift. In 1993, Peter Eigen established Transparency International, a non-governmental organization aimed at promoting transparency and accountability in public governance. In 1995, the organization published the first Corruption Perceptions Index (CPI) - a comparative catalogue ranking countries based on perceived levels of public sector corruption.

This index was compiled by surveying senior executives of transnational corporations and corroborating their assessments with data from independent institutional sources. The inaugural index evaluated 53 countries, and its publication generated a profound international response. Major global media outlets reproduced the findings with extensive commentary; opposition political factions leveraged the data in public discourse, while governments reacted defensively, often issuing official critiques.

However, the most significant outcome was the institutionalization of the idea that corruption could be empirically measured and comparatively analyzed across jurisdictions. This contributed to a broader societal and academic consensus that the evolution of corruption within a specific state could be monitored over time, thus facilitating accountability and reform through quantifiable indicators (Iachimov S., 2021, p.39).

The phenomenon of corruption in the context of international commercial transactions was, for the first time, subjected to a comprehensive global analysis by the United Nations General Assembly, which formally addressed the issue through Resolution nr. 3514, adopted on December 15, 1975. This marked a foundational moment in the international legal recognition of corruption as a transnational challenge requiring coordinated regulatory responses.

Subsequently, a series of major multilateral efforts further advanced the global anti-corruption agenda. These included: Six International Anti-Corruption Conferences held between 1983 and 1994; the 1989 United Nations Conference on Corruption; the 1990 United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which adopted a special resolution on corruption-related offenses; the 1994 Seminar on Corruption in Transition Economies, focused on the vulnerabilities of emerging markets; the Freiburg Conference addressing corruption from a comparative legal perspective; the Conference of European Ministers of Justice 1994, which integrated anti-corruption priorities into regional legal harmonization efforts; the special session on corruption held during the 9th United Nations Congress on the Prevention of Crime and the Treatment of Offenders, convened in Egypt in 1995; the adoption of the 1996 United Nations Declaration on Corruption and Bribery in International Commercial Transactions, which affirmed the collective responsibility of states to prevent, criminalize, and combat such practices; and finally, the promulgation of the International Code of Conduct for Public Officials, adopted by the UN

General Assembly in 1996, which established normative standards for integrity, impartiality, and accountability in the exercise of public functions (Convention, 1997, link).

Norms of international law acquire legal force within domestic legal systems through the process of ratification by member states, thereby either attaining the status of internal legal norms or serving as the legal foundation for the enactment of corresponding legislative measures. In both instances, such norms are binding in nature, and their implementation may occur either voluntarily or through enforcement mechanisms.

With respect to domestic legal norms, enforcement is carried out by institutionalized structures of state authority, namely the executive and judicial branches, which ensure compliance through formal coercive means. In contrast, the enforcement of international legal norms is undertaken by the subjects of international law themselves - predominantly sovereign states - acting in accordance with the applicable rules of international law and within the boundaries established by the relevant international treaties. Thus, international legal coercion is decentralized, relying on the mutual obligations and permissible enforcement measures embedded within the international legal framework (Mahmoud S. 2019, p.64).

The United Nations Convention against Corruption is systematically organized into eight substantive chapters, encompassing a total of 71 articles. These chapters address the following key areas: general provisions; preventive frameworks; criminalization and enforcement mechanisms; international legal cooperation; asset recovery; technical assistance and exchange of information; institutional implementation frameworks; and final provisions (Convention, 1997, link).

The Convention's regulatory scope extends to the suppression of corruption within both the public and private sectors, thereby establishing a comprehensive and integrated international legal instrument aimed at preventing, detecting, investigating, and sanctioning corruption-related conduct across multiple institutional domains. (Convention, 2001, link).

The United Nations Convention against Corruption refrains from providing a singular, codified definition of „corruption”, recognizing the term's evolving nature and the multiplicity of legal, institutional, and socio-cultural frameworks through which it may be interpreted. Nevertheless, the Convention offers a detailed delineation of the concept of „public official” for the purposes of its application, encompassing the following categories:

1. Any individual who holds a legislative, executive, administrative, or judicial position in a State Party, whether appointed or elected, permanent or temporary, paid or unpaid, and irrespective of hierarchical status.
2. Any individual exercising a public function, including functions performed for a public authority, public agency, or state-owned enterprise, or those who provide a public service, as these concepts are defined under the domestic legal framework of the respective State Party and applicable within its legal system.
3. Any person classified as a “public official” under the domestic legislation of the State Party.

Moreover, for the operationalization of particular provisions enshrined in the Convention, the denomination „public official” may be interpreted - pursuant to the domestic normative framework - to encompass any person vested with a public mandate or engaged in the provision of public services, insofar as such functions are acknowledged and governed by the internal legal order of the respective State Party.

Additionally, the Convention establishes a compendium of binding obligations incumbent upon State Parties, mandating the enactment of legislative, regulatory, and institutional frameworks designed to facilitate the prevention, identification, investigation, and penalization of corrupt conduct. These obligations constitute the foundational pillars of the international legal architecture combating corruption, as institutionalized under the United Nations Convention against Corruption (UNCAC) (Rotari M., 2013, p. 94).

Here is the reformulated version using more juridical and scientific terminology, maintaining the original legal essence:

Each State Party is under the expectation to elaborate, implement, or, where appropriate, consider the adoption of comprehensive and coherent anti-corruption strategies, in conformity with the overarching principles of its domestic legal order. These policies shall promote civic engagement and be anchored in the tenets of the rule of law, sound governance of public affairs and resources, institutional integrity, transparency, and public accountability. Furthermore, States Parties are encouraged to undertake periodic assessments of the pertinent normative instruments and administrative frameworks in force, with a view to ascertaining their sufficiency, effectiveness, and consistency in preventing and counteracting corrupt practices.

Each State Party shall ensure the establishment, in accordance with the foundational principles of its national legal framework, of one or more competent authorities vested with the mandate to prevent corruption through legal and institutional mechanisms. These designated entities shall be endowed with the requisite autonomy - consistent with the domestic constitutional and legal order - to carry out their functions effectively and without undue external interference or influence. Moreover, each State Party shall provide such bodies with adequate financial resources, specialized human capital, and continuous professional training to ensure the proficient execution of their preventive and supervisory duties in the field of anti-corruption.

Each State Party shall endeavor, where deemed necessary and in accordance with the foundational principles of its domestic legal order, to establish, preserve, and reinforce institutional frameworks governing the recruitment, appointment, retention, promotion, and retirement of civil servants, as well as other public officials not explicitly designated. These frameworks should aim to foster meritocracy, professional integrity, and institutional loyalty within the public administration. Furthermore, each State Party commits to the adoption of suitable legislative and administrative measures, aligned with the objectives of this Convention and consistent with the tenets of its internal legal system, for the purpose of establishing transparent and objective criteria governing eligibility for and election to public office.

Additionally, State Parties are encouraged to implement appropriate normative and regulatory provisions to enhance the transparency of campaign financing in electoral processes and, where applicable, the financial regulation of political parties:

- In alignment with the core principles of their national legal frameworks, each State Party shall also seek to adopt, sustain, and fortify institutional mechanisms that promote transparency in public administration and mitigate the risk of conflicts of interest among public officials.
- Each State Party shall, in the pursuit of combating corruption, promote and institutionalize standards of ethical conduct applicable to public officials, in conformity with the foundational principles of its domestic legal system. To this end, States Parties are

encouraged to endorse and implement codes of conduct or analogous normative instruments designed to uphold the principles of integrity, probity, and accountability in the exercise of public functions (Vidaicu M., 2024, p.116).

Each State Party shall endeavor to implement, within the framework of its institutional and normative architecture, codes or standards of conduct that regulate the ethical, dignified, and appropriate discharge of public functions. These instruments are to ensure that public officials adhere to principles of professional responsibility and moral rectitude in the execution of their duties.

In giving effect to the provisions of this article, each State Party shall, where appropriate and in a manner consistent with the core principles of its legal system, take into due consideration pertinent initiatives advanced by regional, interregional, and multilateral bodies - such as the International Code of Conduct for Public Officials, annexed to United Nations General Assembly Resolution No. 51/59 of 12 December 1996.

Moreover, each State Party shall, in alignment with the foundational principles of its domestic legal framework, endeavor to establish and enforce mechanisms and procedural safeguards to facilitate the disclosure by public officials of acts of corruption that come to their attention in the course of their official duties, ensuring protection against retaliation and guaranteeing the confidentiality of such reports. Each State Party shall endeavor, where appropriate and in accordance with the fundamental principles of its domestic legal framework, to implement regulatory mechanisms and institutional systems requiring public officials to submit declarations to the competent authorities concerning any external engagements, professional affiliations, financial holdings, assets, or the receipt of gifts or significant benefits which may give rise to a real or potential conflict of interest with their official duties.

These disclosure obligations are intended to promote transparency, uphold ethical standards in public administration, and safeguard the impartiality and integrity of public service (Cuşnir V., 2021, p.76).

Each State Party shall adopt, in accordance with the fundamental tenets of its domestic legal system, the requisite legislative, administrative, and institutional measures to establish and maintain a public procurement framework that is grounded in the principles of transparency, open and fair competition, and objective, pre-established decision-making criteria. Such a framework must be designed to ensure integrity and effectiveness in procurement processes, thereby serving as a critical mechanism for the prevention of corrupt practices.

In parallel, each State Party is obligated, consistent with the core principles of its legal order, to implement appropriate measures aimed at enhancing transparency, accountability, and sound governance in the administration of public finances. These measures shall support fiscal integrity, mitigate opportunities for misappropriation of public funds, and reinforce public trust in the financial management of the State (Resolution, 2006, link).

These systems, the implementation of which may be guided by applicable normative benchmarks and best practices, shall specifically encompass the following measures or interventions:

a) The mandatory publication and unrestricted public access to comprehensive data regarding procurement proceedings and contractual arrangements, inclusive of notices of

tender and detailed information on contract allocation, with sufficient lead time granted to prospective tenderers to formulate and lodge competitive submissions;

b) The *ex ante* codification and dissemination of conditions governing participation, including eligibility prerequisites, evaluative benchmarks, and award parameters, as well as the procedural framework regulating the solicitation process;

c) The implementation of impartial, transparent, and pre-established evaluative standards for decision-making in procurement matters, with a view to facilitating subsequent auditing and legal scrutiny of the conformity and integrity of the applied processes;

d) The creation of a functional and independent administrative redress mechanism, encompassing a procedurally sound appeals process, to guarantee access to effective remedies in cases of procedural irregularities or breaches of the procurement regulatory regime established herein.

Each State Party shall, in accordance with the foundational principles of its domestic legal order, adopt appropriate legislative, administrative, or institutional measures to enhance transparency within its public administration, particularly with respect to its structural organisation, operational mechanisms, and decision-making procedures, where applicable. Such measures may, *inter alia*, encompass the following:

a) The enactment of procedural frameworks or regulatory instruments that grant the public, where appropriate, access to information concerning the institutional architecture, operational dynamics, and decision-making processes of public administration, as well as access - subject to safeguards for privacy and personal data protection - to administrative decisions and normative acts that bear legal relevance to them;

b) The rationalisation and, where necessary, streamlining of administrative procedures with a view to enhancing the accessibility and responsiveness of competent public decision-making bodies to the general public;

c) The dissemination of information, including through the issuance of periodic analytical reports, pertaining to identified vulnerabilities and systemic corruption risks within the public administrative apparatus (Nastas A., 2024, p.65).

The Convention adopts a comprehensive and forward-looking normative approach, encompassing the principal manifestations of corruption currently recognised in practice, while simultaneously establishing a legal framework capable of accommodating emergent typologies of corrupt conduct.

Accordingly, the Convention imposes binding obligations upon State Parties to establish, within their domestic criminal legislation, the incrimination of core corruption-related offenses, including but not limited to: bribery, trading in influence, abuse of public office, illicit enrichment (inclusive of acts perpetrated within the private sector), laundering of proceeds derived from criminal activity, illegal assets concealment, and obstruction of justice.

Moreover, the Convention imposes criminal liability on legal persons for the commission of corrupt acts and requires the criminalisation of ancillary conduct, such as participation in, facilitation of, or attempts to commit such offences.

Although the Global Programme against Corruption refrains from articulating a formal legal definition of corruption, it nonetheless characterises the phenomenon as fundamentally constituting an abuse of entrusted authority or power - whether in the public

or private domain - executed for the purpose of securing an undue personal advantage, either directly or indirectly, for oneself or for a third party.

Article 15 of this instrument, entitled “Bribery of National Public Officials”, provides that each State Party may adopt such legislative or other normative measures as may be necessary to establish criminal liability in instances where the following acts are perpetrated with the requisite *mens rea*, namely intent:

- a) The act of promising, offering, or conferring, whether directly or through intermediaries, an undue pecuniary or non-pecuniary advantage to a public official, for the benefit of that official or for a third party - natural or legal person - with the intent of inducing said official to improperly abstain from the performance of his or her official duties;
- b) The act of soliciting or receiving, either directly or indirectly, an undue advantage by a public official, for personal benefit or for the benefit of a third-party individual or entity, with the intent of improperly refraining from the execution of official functions entrusted to that official.

The programme provides interpretative guidance regarding certain constitutive elements typically associated with corrupt practices, among which the following may be identified (Lupaşcu Z., p.2004):

- Improper exercise of delegated authority. In certain instances, corruption may manifest through the misuse of discretionary authority to secure personal enrichment. For example, a public official vested with procurement authority may exploit such discretion by awarding contracts to an enterprise in which they hold a personal or financial interest, or by facilitating real estate initiatives that result in the appreciation of assets from which they stand to benefit. Such conduct is frequently linked to administrative actors operating within governance frameworks that lack effective oversight, transparency, or accountability mechanisms, or within systems characterised by excessively intricate procedural norms that ultimately undermine the enforceability and efficacy of supervisory controls.
- Favouritism, nepotism and clientelism. Generally, practices such as favouritism, nepotism, and clientelism constitute forms of misuse of discretionary authority. These manifestations of abuse are not primarily driven by the personal gain of the public official but rather serve to advance the interests of individuals with whom the official maintains a connection—whether familial, political, religious, or otherwise. Such conduct may occur when an individual offers an undue advantage to an official in exchange for preferential employment or service-related treatment, or when a public official unlawfully appoints a relative or associate to a position with the intent of furthering private or collective interests aligned with their familial or ideological affiliations.
- Exploiting the conflict of interest. The majority of corrupt practices entail the emergence or manipulation of disputes between an individual's official duties and their personal interests. The acceptance of bribes exemplifies a paradigmatic conflict of interest in which personal benefit compromises professional integrity.

Instances of embezzlement, misappropriation, or fraudulent conduct frequently arise when individuals yield to the temptation to derive undue personal gain from situations characterised by such conflicts. Across both public administration and the private sector, officials and employees are routinely confronted with scenarios in which their individual interests are at variance with their fiduciary or institutional duty to act in the best interest of the state or their organisational principal.

- The Global Programme against Corruption incorporates a comprehensive array of specialized instruments designed to assist policymakers and public officials tasked with formulating and operationalizing anti-corruption strategies. (Nastas A. Cernomoreț S. 2024, p. 291). These instruments are intended to guide both the conceptual development and the practical implementation of each constituent component of such strategies.

Moreover, the Programme includes a series of case studies that serve as illustrative examples, demonstrating the practical application of individual tools and integrated methodologies. These case studies offer empirical insights into the contextual variables that influence the effectiveness of specific anti-corruption interventions and provide guidance on how such tools may be tailored, adapted, or recalibrated to align with the unique operational environments in which they are to be deployed (United Nations Convention, 2003, link).

Convention on Combating the Bribery of Foreign Public Officials in International Business Transactions. On 21 November 1997, twenty-eight member states of the OECD committed to adopting all necessary legal, administrative, and policy measures aimed at the prevention and suppression of corruption, specifically by criminalizing the act of bribing foreign public officials in the context of international commercial dealings.

The Convention articulates a comprehensive and precise definition of bribery, sets forth substantive legal standards and benchmarks for national implementing legislation, and establishes frameworks for international cooperation, including provisions for mutual legal assistance and information exchange among signatory states (Convention, 2006, link).

Council of Europe Initiatives in the Anti-Corruption Framework. In 1994, the Council of Europe initiated its anti-corruption efforts during the Malta Conference of European Ministers of Justice, where a strategic proposal was made to establish a multidisciplinary group dedicated to addressing corruption. This body was envisioned to play a pivotal role in formulating comprehensive measures that could be incorporated into a coordinated international action plan.

Subsequently, in 1995, the Multidisciplinary Group on Corruption elaborated the Programme of Action against Corruption, which was formally endorsed by the Committee of Ministers in 1996. This document, ambitious in scope, sought to address the full spectrum of anti-corruption efforts at the national level, serving as a foundational instrument aimed at guiding state-level responses to the complex phenomenon of corruption.

The Multidisciplinary Group characterized corruption as any conduct undertaken by individuals entrusted with specific responsibilities within either the public or private sector, wherein such conduct constitutes a breach of their official, professional, or fiduciary duties - whether as public officials, private sector employees, or autonomous agents - with the intent of securing an unlawful advantage for themselves or for third parties (Buruian A., 205, p.84).

The Criminal Law Convention on Corruption constitutes a regional normative framework aimed at harmonizing the criminalization of corruption-related offenses among State Parties. It establishes a coordinated approach to the prosecution and adjudication of such offenses, promotes enhanced international cooperation in investigative procedures, and provides for the implementation of an effective monitoring mechanism to ensure compliance with and enforcement of its provisions (Голованова Е., 2022, p.135).

The Convention includes provisions mandating the establishment and enhancement of specialized institutional frameworks dedicated to combating corruption. It also addresses the protection of individuals who cooperate with competent authorities in the investigation,

prosecution, evidentiary collection, or asset recovery processes related to corrupt practices. Furthermore, the Convention establishes a comprehensive legal foundation for reinforcing international cooperation mechanisms - such as mutual legal assistance, extradition procedures, and the exchange of relevant information - aimed at facilitating the effective investigation, prosecution, and enforcement of anti-corruption measures across jurisdictions.

Within the scope of the Convention, the primary objective is the establishment of harmonized legal standards concerning specific corruption-related offenses, acknowledging that the concept of corruption lacks a universally accepted definition. A parallel aim is the enhancement of international cooperation among State Parties.

The Criminal Law Convention on Corruption serves as a legal instrument designed to facilitate the coordinated criminalization of a broad spectrum of corrupt practices, including but not limited to active and passive bribery, trading in influence (both active and passive), money laundering, and the handling of proceeds derived from corrupt activities.

With respect to the evaluation of the Criminal Law Convention on Corruption, it is considered that the principal strengths of this legal instrument are as follows:

- It constitutes a regional accord affirming the imperative of addressing corruption, through the establishment of harmonized legal norms for the criminalization of corrupt conduct;
- It encompasses a broad spectrum of criminal offenses, extending beyond the bribery of domestic, foreign, and international public officials to include bribery within the private sector;
- It establishes an enhanced framework for regional cooperation, facilitating mutual legal assistance in the enforcement of anti-corruption laws, including mechanisms for extradition, investigation, and the confiscation of illicit assets;
- It imposes limitations on the invocation of banking secrecy as a means of obstructing international cooperation;
- It enshrines the principle of corporate criminal or quasi-criminal liability;
- It mandates the imposition of effective, proportionate, and dissuasive sanctions, and requires that legal persons be subject, at a minimum, to effective non-criminal penalties;
- It includes obligations for the establishment of dedicated and specialized anti-corruption bodies;
- It contains specific provisions aimed at ensuring the protection of whistle-blowers and witnesses who assist in anti-corruption proceedings;
- It is supported by a functional and structured monitoring mechanism to oversee implementation and compliance.

Accordingly, a significant milestone in the effort to combat the offense of trading in influence was marked by the adoption of the Criminal Law Convention on Corruption on January 27, 1999, in Strasbourg.

Pursuant to Article 12 of the Convention, each State Party is required to implement such legislative and other normative measures as may be necessary to establish, under its domestic legal framework, the offence of trading in influence - provided the act is committed with intent. Specifically, the provision criminalizes the act of proposing, offering, or granting, whether directly or indirectly, any undue advantage as consideration to a person who alleges or affirms the ability to exert influence over the decision-making of any

individual referred to in Articles 2, 4 through 6, and 9 through 11, regardless of whether the advantage is intended for the individual in question or a third party.

Similarly, the provision criminalises the act of soliciting, receiving, or accepting an offer or promise of such undue advantage in exchange for the claimed influence, irrespective of whether the influence is actually exercised or whether it produces the intended outcome (Mahmoud S., 2023, p.48).

Similarly, comparable provisions addressing the offence of trading in influence are contained within the United Nations Convention against Corruption, adopted in 2003.

Pursuant to Article 18, paragraph (a), titled “Abuse of Influence,” each State Party is obligated to enact such legislative and other normative measures as may be necessary to classify the conduct as a criminal offence, provided that the acts in question are committed with the requisite intent.

Conclusions

Corruption, protectionism, and conflicts of interest have historically represented persistent and inescapable features within societal structures. These phenomena have consistently posed a significant threat to the foundational principles of the rule of law and have undermined the legitimate exercise of state authority and the proper functioning of institutions. They constitute a profound challenge to democratic governance, amounting to a negation of fundamental human rights and a breach of democratic norms, equity, and justice.

Moreover, such practices erode the core tenets of sound public administration, compromise the stability and legitimacy of state institutions and their officials, and hinder both economic progress and social development.

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