

A Study on the Counterplans against Official Corruption

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Introduction

Problem Presentation and Research Purpose

As the concept of a 'government by the People' has been departed from, the reformation of every field in society has been severely pushed with financial aid from the IMF. The abolishment and amalgamation of our systems and the reduction of personnel have been inevitably carried out to exclude inefficiency and ineffectuality in official fields.

The government has recognized the fact that the future of the country, including administrative authority and economic resurrection, can not be guaranteed without hollowing out official corruption and absurdity which have been found to be centered around each assessing organ. And intensive assessment has been deployed in 16 fields¹⁾, such as human affairs, construction, official sanction of real estate, and public affairs. In consequence, 5,800 corruptive officials were disclosed in October 1998 and 222 of them were dismissed or forced to resign, 30 of them were suspended and 157 of them were reprimanded or docked.²⁾

In regard to the status of the Public Prosecutor's Office for the last five years, the number of cases involving corruptive officials has been ceaselessly revealed. Although the number of cases fluctuates according to the political situation or to a certain policy, corruptive cases connected to officials-such as dereliction of duty, misfeasance and acceptance of a bribe-continually occur.³⁾

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- 1) According to Hangyurae(1998.10.14. p.3), Chong Wa Dae classified the styles of officers' absurdity into bribe delivery for privilege customary bribe delivery downward adjustment of applicatory standard for statue express charge for official sanction principle of self-protection and scamping negligence and regarded personnel affairs, construction, official sanction of real estate, public affairs, health and environment, transportation, labor, inquiry and investigation, tax affairs, education, military affairs, finance, judicial affairs, and delivery of goods, a quasi-journalism as the main focus of the assessment.
- 2) Kyunghyang on Internet (1998.11.25. 08:45) said that '5000 corruptive officers in middle and low positions had been exposed'
- 3) the Supreme Public Prosecutor's Office, *The Prosecution Yearbook*, pp.364-373, 1998

〈Table 1〉 status of officials' cases in recent five years

	1993	1994	1995	1996	1997
total	2,895	3,558	3,209	3,859	3,105
dereliction of duty	650	754	727	1,402	719
misfeasance	454	743	577	521	387
bribery	471	470	465	499	436
gambling	1,068	1,281	1,106	1,090	980
misappropriation	252	310	334	347	583

* Penalties between 1994 and 1997 are prosecution, non-prosecution and transfer

The table infers that officials' absurdity is existent in this society and this fact is also represented in result of a questionnaire - 'The Consciousness of the Whole Nation on Corruption'- given by the Korea Economic Daily.

According to the questionnaire, 80 percent of the people believe that anything would be possible if a bribe was delivered. 42.9 percent of owner drivers answered that they had bribed traffic police officers. So did 36 percent of parents of students to teachers and 12.6 percent of citizens to administrative officials. Only 12.6 percent of citizens said that corruption is a matter limited to a certain class or field.

The level of corruption is so poignant that 78.2 percent said that corruption is prevalent in society at large. There are also other findings which say that people experience corruption in financial agencies as well as in government and public offices.⁴⁾

In this thesis, the form of absurdity related to environmental affairs and the counterplan for it would be specifically focused on. Environmental administration guarantees the environmental right under Article 35 of the Constitution and executes the related law.

The environmental sector accomplishes civil affairs administration related to the interests of the people, such as the official sanction of discharging or preventing facilities, guidance and regulation for pollutant emitting facilities, authorization of businesses to dispose of waste matter, registration of businesses of preventive facilities, and evaluation of environmental effects. Post supervision and corruption could possibly happen in the process of each of these duties.

Therefore, the purpose of this study is to search for a countermeasure to prevent absurdity in environmental affairs based on the results of the analysis on the types of absurdity and the survey that citizens are participants for.

4) The Board on Anti-corruption, *The Status of Entertainment Cost of Enterprises and its Reform Measures* 1997, p.104.

Research Method and Range

In this thesis, what causes general absurdity in public institutions will be examined. So we will investigate the peculiarity of environmental regulation and of administrative absurdity.

A portion of citizens is designated in the survey as respondents. Among the questionnaires which were sent to them, only the collected ones were analyzed, of course. Although the respondents are only a part of the whole civilian population, the results of the survey are adequate enough for our research.

Causes of Official Absurdity

Causes of Official Absurdity

The absurdity of government officials is basically caused by circumstantial conditions such as social, economical and political conditions. When immorality and systematic defects are generally prevalent in the government system, officials' absurdity is fostered and aggravated, and it is overlooked in the end. In addition to that, it is also caused by our traditional custom and sense of values, strong relationships, unspecialized duties and excessive amount of work.

Compared to economic growth, government officials earn a small salary. It is very hard for them to overcome the temptation of absurdity because of their economical shortage. Last but not least, the degeneration of official's sense of values and professional ethics are the most common causes of absurdity.

Analysis of Absurdity Causes

First of all, we should assay the feature of environmental regulations, so that we can understand and analyze the styles and causes of the absurdity which might occur in the process of its execution.

Environmental pollution is the apparent result of a free market system, so the government should intervene and reflect the value of the environment on such a system. This intervention is generally called 'environmental regulation'. In comprehensive terms, environmental regulation includes 'direct regulation' and 'economic incentives', and the former is also called 'command and control'.⁵⁾

Direct regulation means the institution of various criterions which are treatment criterion of

5) Ministry of Environment, "Study on Environmental Regulation and the Supervisory Organization for Nature Presevation," 1998.

polluted material, its treatment process, restriction of various acts in specific areas, business permission for specific conditioned people, and in case of violation, it takes disciplinary action such as reform order, work shutdown, suspension of business, criminal penalty, etc. The eliminative criterion of polluted material is the core of environmental regulation. It is the technical criterion which can be economically achieved and prescribed with political judgement throughout trial and error.

Direct regulation also institutes all sorts of criterion for the installation and management of pollutant emitting facilities and takes disciplinary action when these terms are violated. Places of business have to be installed with the permission from environmental authority. When they want to expand the scale and number of places of business, they have to report and ask for prior approval and admission. If the scale of business goes over the standard, they must employ an environmental supervisor and an engineer.

Besides, in case that a facility eliminates polluted material over the criterion, eliminative taxes are levied in addition to the administrative punishment or criminal penalty. In another words, the regulation motivates facilities to obey the criterion with economic incentives. According to the revised Air Quality Conservation Act and Water Quality Conservation Act of December, 1995, we could levy the taxes of basic elimination even though the facility eliminates enough materials below the criterion.⁶⁾

According to the results of regulation studies over the last 5 years, the number of pollutant emitting facilities have increased from 52,849 to 71,794 between 1993 and 1997, which means a 36% increase. Particularly in 1994, concentrated regulation was executed for water-polluting places of business and each place had to sustain 3.2 times the amount of regulation on average. The result of 1994 was under the influence of Nakdong river water pollution accident that happened in the early part of the year. However, the frequency of regulation had decreased to an average level afterwards. The rate of violation has stayed at 6% regardless of the frequency of regulation since then, which means violative action always happens to some extent.

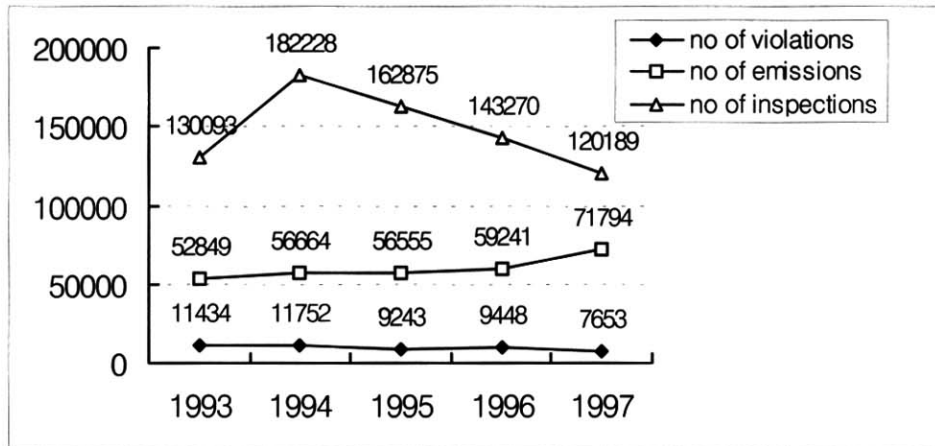
Disposal of polluted material could not be perfectly done even though places of business are equipped with good devices. For example, waste water disposal plants utilize germs to purify polluted water for the most part and the growth of them could be disturbed by exterior factors like the sudden change of polluted water, weather or the operating condition of devices. It is not possible to prepare for every unexpected problem which might happen. Nevertheless, polluted material should be disposed of properly because it is the core of environmental regulation as mentioned above. Therefore, there is a voluntary reporting system in environmental law. The system does not have legal force so it is doubtful that the system is effective enough.

It is also difficult to prove if a facility violates the regulation. This is because of the unique

6) Ministry of Environment, Air Pollution Control Act, Water Pollution Control Act, 1996.

process of environmental regulation. If we don't catch the moment when businesses release unpurified water, we cannot prosecute the violation. Furthermore, the damage of the improper purifying process doesn't occur instantly, so it is hard to see what the effects are. It is apt for officials to fall into temptation owing to this difficulty.

<fig.1> Inspection results on pollutant emitting facilities



<Table 2> The increasing rate of polluting emissions and regulation(air, water polluting places of business)

	1993	1994	1995	1997	1998
No. of emissions (rate of increase)	52,849 (100%)	56,664 (107%)	56,555 (107%)	59,241 (113%)	71,794 (136%)
No. of places of business under control (rate of increase)	130,093 (100%)	182,228 (140%)	162,875 (125%)	143,270 (110%)	120,189 (92%)
No. of places of business in violation of the rule (rate of increase)	11,434 (100%)	11,752 (103%)	9,243 (81%)	9,448 (83%)	7,653 (67%)
rate of violation(%)	8.8	6.4	5.7	6.6	6.4

There is an alternative plan for the difficulty. This requires using an automatic measure device, but it also has flaws. The capability of the device is limited and the expense is so large that small-scale facilities in which the violation frequently occurs cannot afford it.

Besides, there are several causes that bring out absurdity in other administrative departments as well as in the Ministry of Environment. In general, officials can't help giving special benefits to some citizens who have intimacy with them by frequent contact, the same educational background or come from the same area. The middle and low position officials who work in the

front line do not get enough rewards for their hard work, so that raises the possibility of settled absurdity between officials and the community.

The prejudice of business companies is also involved with the irrationality of officials. They don't obey the related law or lead the absurdity by obstinately offering money or other valuables for their benefits. The largest amount of the expense account is spent for officials. They think that the expense account makes a big influence on the progress of their business and sanctions. People think that the company can not survive if it honestly follow the law and legal restrictions. This prejudice is a very decisive factor in this irrationality.⁷⁾ The blame for officials' absurdity lies not only with officials themselves but also with companies and citizens.

Survey on Officials' Absurdity

Objects of Survey

This survey was given to people in places of business that have been personally involved with officials and asked whether they had ever offered money or other valuables to officials. Among the places of business that submitted civil petitions or had a guidance and inspection from officials between March and July in 1998, 1,000 places of business are selected.

Method

The questionnaires went to the selected places of business by mail. They were unregistered as a rule, but they could write their names on it if they wanted. An envelope was enclosed for return to us and the questionnaires were enclosed.

Analysis

Returns

246 questionnaires were returned within a month.

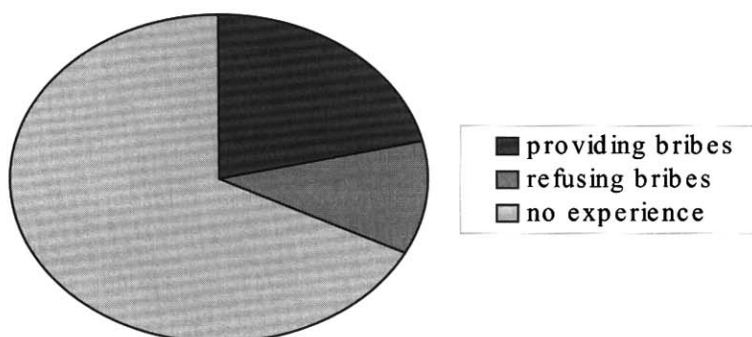
Analysis

54 (21.5%) of the returned questionnaires said that they had offered money or other valuables or treats to officials. However, 28(11%) said their offers were not accomplished by the officials' strong refusals. In conclusion, most of the respondents answered that they had not tried to bribe.

7) The Board on Anti-corruption, *The Status of Entertainment Cost of Enterprises and its Reform Measures*, pp.101-102.

The intention of this research was to analyze the cases of bribery and find out the causes of it, so that we can prevent it. Therefore, specific items were consecutively to be examined. The questionnaire asked what kind of duties they bribed for, where they gave the bribery, why they delivered it, how much money they offered and how the officials reacted.

<fig. 2> Survey result



First of all, it was revealed that supervisory duties had the deepest connection with bribery..40 respondents(74%) said that they bribed officials for better evaluations. And the next duty included paperwork related to sanctions and permission(10, 19%). In addition to that, miscellaneous duties such as data tender and conferences were dealt with by bribery (4 respondents). Lastly, 5 respondents answered that they offered bribes for each duties, so it is clear that bribery was furnished in accordance with the officials' duties.

Secondly, there is a connection between the duties and bribing time. The time when they deliver money or other valuables depends on the officials' duty they want to take advantage of. As we can see in <Table3>, in case of sanction or permission they delivered it while papers were in the process of examination. They believed that bribery made the process quick and amicable. In case of supervisory duty, once evaluation is settled, it is impossible to reverse the result. Therefore, they periodically delivered bribes in this case to make contact with officials beforehand.

<Table3> Period of bribing according to duties

	total	of one's own accord	feeling constrained	paying for quick service	at public officers' request
total	54	16	9	17	12
control related	40	12	8	10	10
permission related	10	3	-	5	2
etc.	4	1	1	2	-

In brief, bribery for supervision was taken periodically(45%) and during or after supervision (38%). Paying for dinner was also taken as a sort of bribery. In time of sanction, it was delivered for the prompt process of paperwork(60%) and at regular intervals in places of business that frequently needed paperwork(30%).

About the reason why people paid bribes, 16 respondents said they did so voluntarily to prevent disadvantages that may happen in advance. 9 respondents said they feel awkward. 18 respondents considered bribery as compensation for quick service. In total, 42 respondents(78%) answered that they gave bribes to officials to maintain an intimate relationship according to our traditional custom. On the other hand, 12 respondents(22%) said that they couldn't help meeting the officials' requests.

<Table 4> Reasons for bribing

	total	at regular intervals	in process	after completion	at irregular intervals
total	54	22	24	6	2
control related	40	18	15	5	2
permission related	10	3	6	1	-
etc.	4	1	3	-	-

Most officials who request money or other valuables are in supervisory positions, which means that they act in a high-handed manner in carrying out their duty. Respondents who have been requested made an additional remark that they feel very sorry for the officials' irrational behavior and threats.

The amount of delivered money was between 100,000 and 300,000 won(29 respondents), under 50,000 won (3 respondents) or over 500,000 won(1 respondent). 15 respondents said that they delivered transportation expenses or paid for dinners, that might be converted between 100,000 and 300,000 won in terms of cash. The product of 업체 was delivered in a case and 3 respondent didn't write details or paid officials' debts.

The next question is how respondents feel about the reaction of officials toward bribes. As we can see in <Table 5>, 35 respondents(65%) thought that officials frigidly rejected but accepted and 12 respondents(22%) answered that officials took it for granted. The rest of them(13%) thought that they forced officials to accept it. Generally speaking, respondents thought that officials' insensibility to morality is still widespread.

The last question was where bribery took place. Most answered about places of business(41%) and 33% answered about the government complex. Restaurants or coffee shops around the government complex were also places where bribes were delivered(7%). One respondent said that he even visited the official's home.

〈Table5〉 Respondents' feelings about the reaction of officials toward bribes

	total	taking naturaliy	refusal for form's sake	taking bribe against one's will
total	52	12	35	5
control related	38	10	26	2
permission related	10	2	5	3
etc.	4	-	4	-

The place also depends on the content of duty. As for sanctions, delivery was generally to the government complex(6 out of 10). Supervisory cases in the places of business(18 out of 40). Bribes took place wherever the officials wanted, such as at home, in the government building and around various official buildings.

In the end, respondents made an additional remark about what they expected from the government. Most of them wanted guidance-centered regulation, but in fact, guidance for polluting action was impossible. Flexibility should be required for administrative trifle imperfection or insufficiency of the places of business instead. Some of the other respondents pointed out unreasonableness of the administrative system or the remote location of government and public offices.

Aspects of Official Absurdity and Counterplans.

Aspects of Official Absurdity

There are divisions which have a high probability of absurdity. Those can be summarized as follows.

<Sanction or Permission Division>

- Inducing frequent contact with people who submitted civil affair documents by the intentional delay of the civil affairs administration, such as making a demand for unnecessary papers and excessive modification
- Rejecting the acceptance of a civil petition, demanding pre-investigation
- Overlooking shortage for permission criterion or violation for statutes
- Forming intimate relationships by a spot inspection
- Leaving an evil effect on people who submitted civil affair documents by scamping

<Guidance and Inspection Division>

- Warning supervision to the places of business

- Overlooking violation at a spot and guiding or inspecting perfunctorily
- Taking a bribe of a small amount for a generalized violation
- Visiting a spot which is not the object for guidance and inspection
- Bringing down the degree of pollution by manipulating samples
- Leaving out specific places from the list of guidance and inspection
- Writing out an affirmation note in non-due form
- Repealing the effectiveness of administrative disposition by ordering 'shutdowns' on holidays
- Reducing administrative disposition wrongfully or applying insignificant provisions
- Neglecting to confirm whether the disposition is fulfilled or overlooking the un-fulfillment of the disposition
- Revengeful guidance and inspection by asking for money

<Environmental Impact Assessment>

- Making an agreement to the work not carrying out a prior procedure as collection of residents' opinion
- Changing the condition of agreement according to the intimacy of the relationship
- Hiding the unfulfillment of the duty threatening after the fact

< Other Operations>

- Arranging or forcing to use specific threatening chemicals or meditating a specific disposal enterprises by taking advantage of the authorities
- Laying a heavy burden or omitting Waste Deposit Money on purpose
- Over-refunding Waste Deposit Money
- Giving an order to a specific company by endowing remunerative terms
- Not receiving civil petitions by phone

As we have seen, there are many situations where absurdity possibly happens. Though the above would be removed from the actual state, it is worth-while to consider how to prevent absurdity.

For reference, it is also possible to presume the aspects of absurdity through details of the enterprise's expense account. They generally spent most of the expenditure for meals and drinking in accordance with their positions and the degree of expected profit.

Counterplans

1) Intensive inspection and monitoring by citizens should be enforced for the offices managing civil affairs. Intensive inspection should be especially reinforced for vulnerable duties and over a

specified period. For the sake of active civil-monitoring, a periodical survey and 'Reporting Center for Environmental Absurdity' are necessary.

2) Demanding the most immediate attention to renovate the system is of the utmost importance. All sorts of regulations should be kept at a minimum, and the whole procedure of administration should be open to the public. Also, the opportunity of contact with citizens ought to be decreased by computerization of the petitionary procedure as much as possible.

3) Moral education and a similar campaign should be reinforced and spread as an innovating program for the positions and management of officials. Transference to another position would be a good solution for the absurdity results from the connection between people who submitted civil affair documents and the involved officials.

4) Morale-stimulation measures should run parallel to the previous counterplans. Hard working officials ought to receive incentive wages and honest and superior ones ought to get special promotions.

This is the age of globalization today. It is necessary that officials adopt a positive attitude to survive from the competition with other countries. Since we have received financial aid from the IMF, the people and government are making a great effort to improve the competitive power of the country. Officials' absurdity is nothing but an obstacle to the effort.

Recently, corruptive countries are restricted by the anti-corruption act of OECD in the international trade business. Unless officials absurdity is stamped out in this country, we can hardly expect to survive in today's international society.

Therefore, absurdity in every official field as well as in the environmental field has to be swept away because it is linked directly with the fate of this country and the government should lead and make a great effort for the extermination of official absurdity.

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