

INTEREST GROUPS AND CORRUPTION IN ROMANIA A PUBLIC CHOICE APPROACH

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Interest groups, often mentioned in political discourses on corruption in Romania, represent, in a democratic society, a way of association that help individuals to reach their goals by influencing public policy in their favor. Special interests, called “special” in order to distinguish between special and “public” interest, are realities of our days. Considering politics as a part of the economy, and, therefore, analyzing it according to economic laws, the Public Choice theory explains why interest groups, with an ascension never met before in the second half of the XX century in United States of America, and, certainly, in the XXI century, exist and often succeed to reach their goals. The subject is very important because, one year after entering the European Union, Romania is perceived, according to Transparency International, as the most corrupted country in the Union. This paper is aimed to analyze both certain aspects of the interest groups in Romania, established by officials that contribute, irresponsibly, but profitably, to the ascension of the corruption and measures that state’s institutions are willing to take.

Key words: interest groups, public choice, corruption

1. Interest Groups in the World

Are interest groups specific to Romania? No. They are evolving from human nature, which determines the individual to pursue the accomplishments of his own goals. When a group of men identify a common interest, they may organize themselves in order to reach those goals - which are thus transformed in group interests.

The existence of the interest groups has been proven in all democratic countries, and they have been studied and analyzed both by political analysts and economists. They are sometimes called interests groups or pressure groups or special interest groups. In fact, these groups are associations settled by individuals or even organizations, structured according to one or more common interests, aimed to influence the public opinion to their own advantage. Some of them are noxious, but their existence cannot be denied.

In western civilizations interest/pressure groups have been earlier established. As an example, such a group called Anti-Corn Law League settled in 1839, has its own goal to pursue - the abolition of the British Corn Law. They have reached this goal. This group has been settled by middle class manufacturers, workers, and farmers who works their land in lease, has become in short time the most organized and well financed pressure group in the country. The group had organized meetings, debates, conferences and had published various books, pamphlets and information notes. In the same time it has supported various candidates in parliamentary elections, among them Richard Codben, manufacturer and liberal state man, militant for a free trade.¹

To what extent the pursuing of someone’s own interest constitutes a major issue? The same question has to be put in what the group interest are concerned. Let see what the economist are thinking.

¹ Eric Philips, What Crushed the Corn Laws, <http://www.mises.org/story/2604>, posted on 06.20.2007

Classical economic theory describes economic entities as rational individuals, aimed in their actions by the wish of economic usefulness maximization facing the limited resources conditions. Even the “invisible hand” concept of Adam Smith has been grounded on the assumption that the individuals are pursuing their *own interest*, thus establishing even in an indirect manner, a market mechanism which will lead to the welfare of the society. Such an individual, called *homo oeconomicus*, is the actor of all classical and neo-classical economic theories. The own interest pursuing becomes, regardless of the actors will, more than a feature of the human being but a benefic factor in what the economic development is concerned.

Own interest is in the same time the subject of Public Choice Theory, which extend it from the economic field to a larger one, which includes a non-financial field, into which the usefulness, maximized this time by *homo politicus*, may be used for other goals accomplishment like prestige, social position, etc. Public Choice analysis is a positive one. Its theoreticians are not presenting their opinions, but their finding and analyses. The Public Choice Theory, established and developed by notorious American researchers, has analyzed among other issues, the evolving and functioning of pressure groups. These groups had become an indisputable fact on American political scene starting with the second half of the XXth century.

Within its famous work *The Logic of Collective Action*, Mancur Olson shows that despite someone expectations, in the most occasions, a group of rational individuals who have a common interest are not uniting them selves and are not fighting for the accomplishment of that goal. Olson shows that this fact is true to a great extent when the said groups are larger, because a larger group implies greater organizational costs, per capita gains in case of success is smaller, stimulants (encouragements, psychological factors such as public disgrace) are weaker; the individual is an anonymous person in such a large group. More over, the results are the same with or without the contribution of a certain individual.

Within small groups, the profit, in case of success, is considerably greater, the contribution of each person represents a significant part of the initial costs of the collective action, and more over the persons know each other, and certain social factors are also playing a part in the decision of the individual to take part in such an action. According to this reason, Mancur Olson explains the success of the interest groups which performs lobby activities over the governments and are capable to obtain large amounts of money for the accomplishment of their goals. Hence, within small groups, a transfer action is taking place, from individual interest to group interest. As a considerably larger group, the tax payers have no success in initiating a common action, and they cannot oppose to such phenomena.

James M. Buchanan and Gordon Tullock² are defining the interest groups as “institutional manifestation of active promoting of economic interest”. They are becoming an institutional problem in case their functioning generates excessive external costs³, established by the difference between gains and costs distributions. As an example, subsidies granting for a certain activity may be a considerable greater charge for the tax payers.

Analyzing the concrete situation in which a pressure group wants to obtain certain facilities with the help of the political factor, such as tax exemptions or tax relief, manufacturing or export license granting, debt rescheduling, in other words practicing what is called “rent-seeking”, it wants in fact to practice an unfair competition, as these actions are in the advantage of the said group and in disadvantage of the competitors. On the other hand a “State capture” phenomenon is evolving for private interests; in many occasions market mechanisms are disturbed by interventionist practices.

² James M. Buchanan, Gordon Tullock, *Calculul consensului. Bazele logice al democratiei constitutionale*, Editura Expert, București, 1995, p.296

³ External costs are those costs imposed to the individual outside of the interest group by collective decisions.

It seems that the presence of the interest groups within democratic societies is inevitable. As Ludwig von Mises has stated: “The idea of the eighteenth-century statesmen was that the legislators had special ideas about the common good. But what we have today, what we see today in the reality of political life, practically without any exceptions, in all the countries of the world where there is not simply communist dictatorship, is a situation where there are no longer real political parties in the old classical sense, but merely *pressure groups*.⁴”

It has to be mentioned that these negative implications related to the activities performed by the interest groups are present regardless of the fact that the goals are accomplished by legal or illegal ways. Nevertheless, a legal activity is desirable, first of all because in this way the corruption is not supplied, and second, a control over the phenomena may be performed.

2. Legal and Illegal Pressure Groups

It has to make a distinction between groups which use legal ways to influence politicians and those interest groups which use corrupted means to gain such influence.

It is a fact that in both situations special interests promoting are meant, but if legal pressure groups includes both businessman associations and ecologists groups, retired persons groups, women associations, unions, etc., having both financial and non-financial interests – certain ideas and beliefs promoting – interest groups implied in high level corruption are pursuing only financial gains and they have many times an obvious organized crime character.

There are two definitions of a political entrepreneur. First of them, described by Richard Wagner⁵, states that political entrepreneur knows that it is in its own benefit to support training and consolidation and public promotion of a certain group interests. He plays a leader role within that group and supervises the activities of the group in order to detect and sanction free-rider activities. His benefit will be in a material form (a share of the group’s profit) or in a non-material form (votes or glory). Playing its leader and group’s promoter role, political entrepreneur represents an institutional solution to collective actions problem, because it is not enough for a group of people to have common interests, but they have to be guided in the accomplishment of the proposed goals.

Taking into account the other definition, the political entrepreneur transforms its public position into an illegal private business, and he uses any means necessary (bribery, influence peddling) in order to obtain various benefits for certain shadow groups, finally for himself. Sometimes he is a front man, sometimes he is a genuine representative of the interest group. In case the political entrepreneur is not a part of the said group, being only an instrument, he may serve several interest groups, as he never declares his affiliation to a certain group; his only goal is to obtain material advantages and sometimes a number of votes in election periods.

3. Group Interest versus Public Interest

Taking into account both situations of special interests promoting related to certain groups, both legal and illegal, an obvious occurrence of the opposition between *special interest* and *public interest* evolves.

⁴ Ludwig von Mises, *Economy Policy. Thoughts for Today and Tomorrow*, Third Edition, Ludwig von Mises Institute, Auburn, Alabama, USA, 2006, www.mises.org, p.98

⁵ Richard Wagner, “*Pressure Groups and Political Entrepreneurs*”, *Papers on Non-Market Decision Making* (1966): 161-170, in Kenneth A. Shepsle, *Analyzing Politics: Rationality, Behavior and Institution*, New York, W.W. Norton & Company, 1997, p.245

Trying to define public interest, James M. Buchanan and Gordon Tullock⁶ reach to the conclusion that, during the adoption of some legislative decisions related to a certain matter, based on ordinary sub-unanimous rules, it is not possible to find the promotion degree of public interest. They reached to this conclusion based on the fact that a decision may be defined as entire community interest only if it will be voted unanimously by the members of the entire community; this is an ideal case which can not be accomplished for real. Thus, at the operational level of the decision, within determined constitutional rules, the conflicts generated by particular interests of the pressure groups are compatible with democratic process. This judgment evolves from the methodological individualism premise, which is considering that there are only individuals and not supra-individual entities with their own will and interests.

The presence of the group interest is in no contradiction with this hypothesis, as by its definition the interest group is made up by individuals who have that common interest that generates the group, this fact being also in the interest of the group. In other words, from an economical point of view, the public interest does not exist.

Nevertheless, Dorel Ailenei⁷ stated: “An entire country can not be restrained to some pressure groups, as a nation’s economy can not be confined itself to some large companies or to a minority of economic entities. Moments of crisis or important historic stages has emphasized an exception social cohesion. The remarkable actions of important nations were so well coordinated as they look as they were the expression of a national interest.” Are these facts still valid? Are there any chances that men should regain their solidarity and “national interest” in moments of crisis?

Ludwig van Mises is also skeptical to this matter. “Today one might hear people say: ‘In the early nineteenth century, in the legislatures of France, England, the United States, and other nations, there were speeches about the great problems of mankind⁸. They fought against tyranny, for freedom, for cooperation with all other free nations. But now we are more practical in the legislature!’ If course we are more practical; people today do not talk about freedom: they talk about a *higher price for peanuts*. If this is practical, then of course the legislatures have changed considerably, but not improved.⁹”

4. Corruption and Interest Groups

Generally speaking corruption means deviation from morality, honesty, duty but at political level it becomes “high level corruption” and means that a high rank officer, minister or member of parliament performed such actions as bribery, extortion, misappropriation or used his public power with which he was invested to grant favors to a group of individuals, receiving in return illegal material or other kind of advantages. When a group of people performs such actions as bribery, illegal financing campaigns, threats in order to force a politician to acts against the law but in favor of those people, we can speak about illegitimate interest groups, influence peddling and high level corruption. This is about organized crime structure to which President Traian Basescu refers lately.

It can not be stated that high level corruption is always connected to economic factor. It can be connected to political interest; thus, large amount of money may be invested in buying votes in order to alter the election results, so as to gain power.

⁶ James M. Buchanan, Gordon Tullock, op.cit., pp.296-298

⁷ Dorel Ailenei, “*Politica economica, intre interesul individual si interesul public*”, Economie teoretica si aplicata Nr.7, 2006, www.ectap.ro

⁸ Ludwig von Mises does not speak about demagogic political speeches but about speakers who really believes in what they are saying.

⁹ Ludwig von Mises, op.cit., p.99

Michael Johnston wrote in his book *Syndromes of Corruption: Wealth, Power and Democracy*¹⁰, about four types of corruption according to participation and political and economical institutions in various states: *influence market* type corruption, specific to powerful industrial states, in which special interest groups want to influence, to their own benefit and with the help of politicians, the well organized processes of policies elaboration; *elite's cartel* type corruption specifies that various elite type such as political, economical, ethnical, military, are trying to maintain their hegemony in conditions of hard competitions and of medium developed state institutions; *oligarchs and clans* type corruption specific to states with fast economic growth but with poor state institutions; *officials moguls* type corruption defends the interest of government representatives who are committing frauds over the economy without being punished.

Within Johnston vision, corruption in Romania is *oligarchs and clans* type¹¹. Countries in this category had suffered an accelerated process of economic and/or political liberalization, but their institutions are still weak. In a society affected by this kind of corruption, police and justice are implicated in large scale illegal business, with high stakes. "Organized crime groups, state officials and politicians are hard to tell one from another¹²". Of course there are both major similitude and distinctions between countries described by Johnston in these four groups; distinctions are emphasized by history, economic, politic and social conditions and national specificity. Nevertheless its classification it is worth to be considered.

In our opinion, corruption phenomena in Romania are related to rent-seeking ant political clientele, high level corruption is in fact equivalent to *state capture*¹³. The main sources of fast and illegal enrichment were and still are state related business, in other words business made to state prejudice, and other type of illegal business meant to alter the free economic competition.

On 2000, Joel Hellman and Mark Schankerman had made a study¹⁴ under the supervision of European Bank for Reconstruction and Development, based on a pool performed on a group of companies in post-communist countries, in order to settle the nature of relationship between government officials and economic entities. Regarding the state capture phenomenon, Hellman and Schankerman have defined two indicators; one indicator for pervasiveness and the other indicator for concentration within the economies of countries in transition. Bigger values these indicators are, more intense is the state capture phenomenon.

Pervasiveness index represents the percentage of the questioned companies which have declared that they are significantly affected by parliamentary votes selling or presidential decrees made for private goals.

The concentration index represents the percentage of the affected companies which stated that themselves had made (sometimes or quite often) "unofficial payments" in order to influence the content of some new laws, decrees or regulations. Romania has a median position among the 20 countries included in the study, both as its position within countries classification and as values of the said indexes.

¹⁰ Michael Johnston, *Coruptia si fomele ei: putere, coruptie si democratie*, Iasi, Editura Polirom, 2007, pp.13-14

¹¹ Ibidem, p.75

¹² Ibidem, p.155

¹³ „State capture refers to the actions of individuals, groups, or firms both in the public and private sectors to influence the formation of laws, regulations, decrees, and other government policies to their own advantage as a result of the illicit and non-transparent provision of private benefits to public officials.” (*Anticorruption in Transition. A Contribution to the Policy Debate*, The World Bank, Washington D.C., September 2000)

¹⁴ Joel Hellman and Mark Schankerman, "Intervention, Corruption and Capture; the nexus between enterprises and the state", European Bank for Reconstruction and Development, Working paper No.58, October 2000

A study performed by World Bank¹⁵ identifies the causes which led to different state capture degrees in post-communist countries: initial development stage, economic and politic heritage from the former regime, natural resources endowment and civil organization. Thus, countries with rich natural resources are more liable to state capture phenomenon, because those very rich resources are the attraction point. On the other hand, those countries placed closer to the western world, like Hungary, Poland and Baltic States, have developed even in communist regime time, primary forms of market economy,, decentralization and free competition. The transition toward market economy has been smoother in these countries. In these countries the civil society has been better well organized and more powerful and this fact was a positive premise to lesser corruption.

But more positive facts are occurring in Romania and efforts have been made in order to diminish corruption throughout appropriate public policies. A number of politicians, among them eight former ministers are investigated by Romanian National Anti-Corruption Prosecution Services.

Within Preliminary Report issued by European Commission on February 2008, concerning anti-corruption efforts made by Romania it was written: “During the first year, as a member state of the European Union, Romania has continued its efforts in order to remedy those deficiencies which could alter the implementation of European programs and policies. Nevertheless, the results of the struggle against high level corruption were not yet very convincing”¹⁶.

4.1 The Effects of High Level Corruption

High Level corruption diminishes the people trust in the values of democracy, in politicians, and it causes apathy and electoral absenteeism. It may undermine the democracy itself by votes transactions.

In a country with a young democracy like Romania it may force a reverse time effect for a significant segment of the citizens, increasing the number of ancient regime admirers. These citizens forgot the disadvantages of the totalitarian system, but they are reminding that in those days there were “more orders more respect for the law”¹⁷.

Political corruption in transition countries, throughout government quality decreasing, has a direct impact over economic reform and privatization, over proper working of the market economy and over an wealthy economic growth. As Myrdal¹⁸ said in “Asian Drama”: “corruption puts sand in the economic machinery; it is a force slowing down development.”

It is an obstacle for free competition and domestic and international trade, creating preferential conditions (tax exemption, debt annulment, import and production licenses) for certain economic entities and interest groups. In the same time, a high level of corruption settles a high country risk, and implies a smaller number of investors.

¹⁵ Anticorruption in Transition. A Contribution to the Policy Debate, The World Bank, Washington D.C., September 2000

¹⁶ Preliminary Report of the European Communities Commission to European Parliament and European Council, concerning progresses made by Romania within Cooperation and Verification Mechanism, Bruxelles, 04.02.2008

¹⁷ Nevertheless, a certain degree of corruption existed even in that time, but in another form. Politicians were fewer, and the corruption was clocked. Certain appearance have to be preserved in what was called “communist ethic”.

¹⁸ Myrdal, G., 1968, Asian Drama: An Enquiry into the Poverty of Nations, 3 vols., The Twentieth Century Fund, New York, p.932, in Thomas Larsson, “Reform, corruption and growth: Why corruption is more devastating in Russia than in China”, Elsevier, Communist and Post-Communist Studies 39 (2006) 265e281 www.sciencedirect.com

As it is stated by Transparency International, “Corruption is both a cause of poverty, and a barrier to overcoming it. It is one of the most serious obstacles to reducing poverty¹⁹.”

4.2 Political Corruption in Romania and in the World seen by International Organizations

Transparency International is one of the most active international organizations in struggle against corruption. Founded in 1993, this organization of global civil society, politically equidistant, chose to help in creating a corruption free world. To this end, Transparency International performs a series of national and global polls, calculates corruption indexes and drew up corruption reports:

- *Global Corruption Barometer* is a poll addressed to a large public on a global scale and presents perceptions and corruption related experiences of the citizens from almost 200 countries. It is made every year, starting on 2003 and analyzes the corruption impact over the every day life of the ordinary citizen.

- *Bribe Payers Index* evaluates the tendencies of the international companies from economic powerful states, to bribe officials in the states they are working. Precision of the results reaches 95%.

- *Corruption Perceptions Index* it is a study performed by Transparency International on an annual basis, starting on 1995, and it is based on expert valuations and polls performed on two years, the reporting years and the previous one. It represents an average of the polls and expert opinion in the said countries. Data are related to the corruption phenomena within public and politic sector in various countries. Precision of the results reaches 90%.

- *Global Corruption Report* it is an annual publication which includes a complex analysis over corruption on a global scale. It includes also National Reports on Corruption, made by Transparency International branches in those countries.

- *National Integrity System* represents an analysis report of national systems for struggle against corruption. National Integrity Systems have the following composition: government, parliament, political parties, election bureaus, court of audit, juridical system, public authorities, police and prosecutor’s offices, public acquisitions, ombudsman, various agency for struggle against corruption, media, civil society, private sector, local authorities, international institutions; each of these entities participates to the effort made in order to diminish the corruption.

Global Corruption Barometer 2007²⁰ includes opinions of 631.999 citizens from 60 countries.

Related to Corruption Perception Index within public key institutions, it was founded that citizens from the whole world consider that political parties and parliaments are the most corrupted public institutions.

Perception over corruption of the political parties in Romania was 3.9 and parliament corruption was also 3.9; 1 means lack of corruption and 5 means extremely corrupted.

On global level, given the 2004 statistics, it is observed an increasing of the perception of the political parties and parliament, as well as a decreasing of the of the citizens’ trust in private sector, considered to be implied in corruption actions.

The people who were questioned consider that in near future, the level of corruption will increase, despites the efforts made by those who are involved in anti-corruption struggle.

The study concerning *Corruption Perception Index*, started in 1995, includes Romania starting with 1997, which has been registered the perception scores shown in Table 1. It has to be mentioned that a score marked with 10 means lack of corruption and a score marked with 0 means extreme corruption.

¹⁹ www.transparency.org

²⁰ Report on the Transparency International Global Corruption Barometer 2007, www.transparency.org

Table 1

Score	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Year	3,44	3,00	3,30	2,90	2,80	2,60	2,80	2,90	3,00	3,1	3,7

It has to be noticed that, according to Transparency International study, corruption in Romania is perceived by its citizens that being very high. As an example the score of Denmark in 2007 was 9.4. Within the years period in which our country has participated to this study, it has to be observed that corruption perception has increased in 2000 – 2002, with a peak in 2002, followed by a return. In 2004 has been registered the same score as in 2000.

It seems that the efforts made in order to diminish the corruption have a certain echo on the people as in 2007 has been registered a slightly increasing of the score, to a value of 3.7, against 3.1 in 2006.

Another indicator representing a certain interest is *Global Integrity Index*; this one it's measuring the corruption but valuates the efforts made for its diminishing. The efforts made by Romania are appreciated as being moderately toward sustained. Of course this is only the beginning, and the efforts have to be intensified, taking into account the position of Romania in international classifications concerning corruption.

Global Corruption Report 2007 includes a study performed by Victor Alistar, Transparency International Romania, concerning corruption and deficiencies of the Romanian justice system²¹. According to this study, the reforms of the Romanian justice system had started to become efficient in years previous to Romania's integration in European Union. Nevertheless, some lack of ethics actions are still encountered, as well as conflicts of interest and indifference for the citizens needs. Many reforms are still debating and never adopted.

According to the above mentioned study, in 2004-2005 important steps have been made, in what the adoption of new laws and the altering of the existing ones is concerned, among them magistrates rule, justice organization and duties of the Higher Magistrature Council.

In what political pressure over the magistrates is concerned, as well as state power separation, the study performed by Transparency International mentions that in 2005 has been adopted the law according to which the management of the justice system budget has been transferred from Ministry of Justice to Higher Magistrature Council, starting with 2008. In the same time, in 2004 has been performed the transfer of abilities concerning disciplinary measures over judges and prosecutors investigated for corruption from joint custody of Ministry of Justice and Higher Magistrature Council to the sole custody of the latter.

In 2005, Transparency International Romania has made a poll within magistrates corps related to a Study for National Integrity System. According to this poll, 78% of the questioned magistrates had stated that "justice is independent but not absolutely independent." The judges had stated that they suffered pressure from media, Parliament or Government members, as well as from various economic interest groups, and prosecutors had stated that they had suffered pressure from their chiefs.

As a result of the European Commission Report of June 27, 2007, concerning the evolution of the accompanying steps subsequent to the adhesion, the Romanian Government has adopted on October 31, 2007, the Government Decision concerning the adoption of the Action Plan regarding the accomplishment of the conditions included in cooperation and verification mechanism in order to monitor progresses made by Romania in what justice system reform and struggle against corruption are concerned²². Some of the very important conditions in struggle against corruption, which have to be accomplished according to the

²¹ Victor Alistar, "Corruption and Deficiencies in the Romanian Justice System", in *Global Corruption Report 2007*, www.transparency.org

²² www.just.ro

Action Plan are the following: condition no.2: the establishment of National Integrity Agency with special duties in assets verification, incompatibilities and conflict of interests; condition no.3: the progresses already accomplished have to be continued in what the investigation of high level corruption is concerned.

In Preliminary Report issued on February 4, 2008, European Commission acknowledges the progresses made by Romania in what the accomplishment of the Action Plan provisions are concerned, but it presents some difficulties which have to be remedied. Among them we have to present those which are very important for the present paper.

In what the establishment of the National Integrity Agency is concerned, European Commission Report shows that even the Law No.144/2007 concerning the operation of this institution has been adopted, National Integrity Agency is still not working because its Chairman has not been elected yet. Meantime this problem has been solved as the contest for Chairman position has been won on March 27, 2008, and the result has been validated by National Integrity Council. The final step to be realized is that the Chairman has to be appointed by the Senate.

In what the high level corruption is concerned, the European Commission Report has a positive appreciation for National Anti-Corruption Department activity during last 6 months; the Department has requested approval for starting investigation over eight former ministers or ministers in office; the approval has been granted by Romanian President. Subsequent to intense political and juridical debates, it has been approved to annul the immunities of the above mentioned ministers. The Courts however, sent back to the prosecutors some of the legal causes because some inobservance of the legal procedures. In fact, "it is not clear in ground of judgment if it is about incompetent evidence, meaning that new investigations are necessary, or it means that the prosecutor office can remedy the situation, without starting investigation from the beginning²³."

Another point in European Commission Report is that related to alterations to Criminal Procedure Code and Criminal Code proposed by the Law concerning the approval of the Government Decree No.60/2006; the said law has not been promulgated by President of Romania and it has been sent back to the Parliament for reexamination in November 2007. Among alterations proposed by the law, which may alter in a negative way if they would be promulgated the efficiency of the criminal investigation we present a few²⁴: searching, interception or communication registration authorization only with prior consent of the suspect; a fraud smaller than 9 million € is considered a minor fraud and the maximum sentence is 5 years prison. The Report mentions that "in case the law is voted in Parliament for a second time, the President has to promulgate it as it is provided in Art.77 of the Romanian Constitution."

The said alterations of the law were also rejected by the Prosecutor's Office: "The alterations are dealing with perpetrators' rights (defendants and charged) and it will lead to important restraints of the state authorities rights in order to prevent them to find the truth in a criminal suite, and will initiates a dissolution of the state authority.²⁵"

The scope of the Preliminary Report is to point out the European Commission preoccupations concerning the delay in accomplish a stable justice system capable to fight against corruption, in order to remedy the shortcomings prior to the final report which is to be made in June 2008.

²³ Excerpt form European Commission Report

²⁴ Idem

²⁵ "Point of view of the Prosecutor's Office over the alterations of the Criminal Procedure Code and Criminal Code, made by law concerning the approval of the Government Decree No.60/2006 for the alteration of the Criminal Procedure Code and some other laws.", www.mpublic.ro

5. Conclusions

In the end of the present analysis we can ask ourselves if the adoption of certain laws concerning the lobby activity of the economic interest groups will make a point in the decreasing of high level corruption in Romania, or will just legalize influence peddling.

Pranab Bradhan²⁶ wrote in an article dedicated to corruption and development that: “But just as clearly not all illegal transactions are corrupt, nor are all instances of corruption or bribery illegal (as when in the [...] cases of gift-giving by lobbyists to politicians or campaign contributions to Political Action Committees)”.

As it is mentioned by all the studies which are dealing with struggle against corruption, the transparency of the political parties financing, control of the state officials incomes, and rules concerning the eventual conflict of interests, combined with appropriate legislation and an efficient and independent justice system, and not in the last time with civil society and private sector participation to the common efforts, are necessary steps to be made in order to free economy and democracy from corruption. This is not impossible. There are countries with an extremely low degree of corruption.

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