



**CORRUPTION IN THE PUBLIC SECTOR
WITH EMPHASIS ON THE JUDICIAL SYSTEM.
COMPARISONS BETWEEN GERMANY AND GREECE^{*1}
(extracts)**

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Contents

1. CORRUPTION IN THE JUDICIAL SYSTEM
 2. COMMENTS ON THE GREEK POLITICAL AND JUDICIAL SYSTEM
 3. COMMENTS ON THE GERMAN JUDICIAL SYSTEM
 4. PERCEPTION OF CORRUPTION
 5. CITIZEN CONFIDENCE WITH THE JUSTICE SYSTEM AND THE COURTS
- References
APPENDIX 1: UGES SELECTED PUBLICATIONS

1. CORRUPTION IN THE JUDICIAL SYSTEM

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Siri Glopen in his book "Courts, Corruption and Judicial Independence" (2014, [3]) argues that "A well-functioning justice system is crucial to address corruption effectively, which in turn is important for development. But judicial institutions are themselves corruptible. Surveys show that experiences with and perceptions of corruption in the courts are widespread.... In its 2011 Annual Report, Transparency International (TI) noted that, globally, almost half of those surveyed (46 per cent) perceived their judiciary as corrupt. According to the Eurobarometer (2012), around a third of Europeans think corruption is widespread in their judicial services (32 per cent)... In countries as diverse as Afghanistan, Bolivia, Bulgaria, Cambodia, Croatia, Ethiopia, Georgia, the Former Yugoslav Republic of Moldova, Morocco, Peru and Ukraine, the judiciary was seen as the most corrupt of all public institutions. Corruption and perceptions of corruption in the judiciary not only

undermines the courts' credibility as corruption fighters. More generally, it erodes trust in the courts' impartiality, harming all the core judicial functions, such as dispute resolution, law enforcement, protection of property rights and contract enforcement."

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2. COMMENTS ON THE GREEK POLITICAL AND JUDICIAL SYSTEM

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With reference to the recent mobile phone tapping by the National Intelligence Service of Greece and the resulting highly charged political climate of the country Kostas Zoras (2022, [1]), Professor Emeritus of the University of the Aegean, argues that the responsibility of the legislature and consequently of the executive will be judged soon and strictly by the manifestation of population sovereignty in the upcoming elections. At the same time the judiciary, outside of the electoral crisis, can remain at the center of research and anxious public concern.

Furthermore Zoras underlines certain comments from a book (in Greek) of Dimitrios Tsatsos (a prominent constitutional expert and politician) who argues that "No one can question the right - not to mention the political and scientific obligation - to criticize judicial decisions" adding that "we have indications of a political movement within the Judiciary. Fortunately, there were very few. But there have been enough, so much so that we cannot talk about individual deviations only" stressing the fact that "Institutions do not wear out, neither in a few days nor in a few weeks nor in a few months. And vice versa corroded institutions are not restored, not in a few days, not in a few weeks, not in a few months".

Zoras (2022, [2]) argues that "the creation of a perennially 'permanent and sustainable' alliance with 'unofficial' relations of subordination and servitude to the respective government is being attempted" adding that "decisions were taken always behind closed doors, which are transferred and imposed on all institutional powers". The author distinguishes two systems of relationships in the area institutional are meeting social functions. A semi-feudal, client reference, covering both the public and private sectors and dealing with finding work, especially for young people, in dystopian times of increased unemployment. Also, a second system of direct assignments and transactions, illegal or marginally 'legal', derailing every business and investment initiative and perspective. The much-vaunted 'entrepreneurship', primarily small and medium-sized, must also declare loyalty to the oligarchic centers".

Panagiotis Krithimos, a former Greek public prosecutor, in his book "The Greek Justice without a mask (in Greek)" (publisher: Free Justice, 2022) mentions that "according to the Platonic analysis, justice can be declared the supreme institution of a democratic state". Then he argues that "the above principle was infringed by sworn prosecutors who cooperated with the political power and infamous circles of powerful financial interests. It was the time when the political power, as the healer and co-protagonist of dirty financial interests, set up the mechanisms of organized crime and prepared the ground for the looting of the national wealth, which led to our bankruptcy and the shameful memoranda, with their sole victim always being the struggling but betrayed Greek people".

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3. COMMENTS ON THE GERMAN JUDICIAL SYSTEM

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According to the Germany Corruption Report (GAN Integrity, August 2022, [4]) "Corruption is not a significant obstacle for businesses in Germany, and companies are unlikely to encounter bribery or other corrupt practices. Fraud and corruption risks are most prevalent in the construction and public procurement sectors. Germany has strong institutional and legal anti-corruption frameworks. The German Criminal Code applies to individuals – not companies – and makes it illegal to offer, pay or accept a bribe. Companies can be held civilly liable for corruption offenses committed by their representatives under the Act on Regulatory Offences, with fines up to EUR 10 million and confiscation of all economic advantages obtained through bribery. Facilitation payments are prohibited, and small-value gifts and hospitality may be considered illegal depending on the intent, benefit, and value. Enforcement of foreign bribery has increased significantly in recent years, and a large number of prominent German companies and individuals from businesses have been successfully prosecuted". The report also states that "There is a low risk of corruption when dealing with Germany's judiciary. The judiciary is characterized by a high degree of professionalism and independence from political interference. Over two-thirds of companies judge the independence of the judiciary to be fairly good or very good. Companies indicate that bribes and irregular payments in return for favorable judgments are rare. Few citizens consider bribery and abuse of power to be widespread in the German courts (Eurobarometer 2017). Companies report sufficient trust in the efficiency of the legal framework to settle disputes and challenge regulations. Only a fraction of judges indicate having faced inappropriate pressure to decide a case.

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4. PERCEPTION OF CORRUPTION

*Source: Corruption Perception Index / Transparency International
CPI: Corruption Perception Index*

In this chapter we perform a comparative analysis of CPI of Transparency International Organization for 2012 and 2021 (table 1). The relevant reports present data for 180 countries and territories around the world by their perceived levels of public sector corruption. The results are given in a scale of 0 (highly corrupt) to 100 (very clean).

4.1 Greece

According to 2012 report Greece, with a CPI equal to 36, ranked low (94th) among the global list of 180 countries and very low among the 28 EU countries under consideration. Actually it exhibited the lowest ranking (28th/28). As the most corrupt country of EU in 2012 Greece ranked lower than Turkey that ranked 54th with a CPI equal to 49.

According to 2021 report Greece, with a CPI equal to 49, ranked 59th/180 whereas in the context of 27 EU countries under examination Greece ranked very low, 24th/27. During the period 2012-2021 Greece improved considerably its global ranking (from 94th to 59th) and slightly its ranking within EU (excluding UK, from 27th to 24th). Still Greece in 2021 was ranking lower than several Third World countries characterized by persistent and chronic corruption such as Rwanda, Grenada, Dominica, Santa Lucia and Costa Rica.

4.2 Germany

According to 2012 report Germany, with a CPI equal to 79, ranked very high (13th) among the global list of 180 countries and also very high (6th) among the 28 EU countries under consideration.

According to 2021 report Germany, with a CPI equal to 80, ranked very high (10th) among the global list of 180 countries and also very high (6th) among the 27 EU countries under

consideration. During the period 2012-2021 Germany exhibited a slight improvement of its global ranking (from 13th to 10th).

TABLE 1

	2012		2021	
	CPI	Global Ranking	CPI	Global Ranking
Netherlands	84	9th	82	8th
Germany	79	13th	80	10th
U.K.	74	17th	78	11th
France	71	22th	71	22th
Italy	42	72th	56	42th
Greece	36	94th	49	59th
Turkey	49	54th	38	96th

5. CITIZEN CONFIDENCE WITH THE JUSTICE SYSTEM AND THE COURTS

Source: Government at a Glance 2017 / OECD
CI: Confidence Index

In this chapter we perform a comparative analysis of CI for 41 OECD countries in 2007 and 2016, among them 24 countries from Europe and 20 countries from EU (table 2).

According to the CI for 2016 Greece , with a CI equal to 42, ranked 25th among OECD countries, 16th among European and 11th among EU countries. During the period 2007-2016 the CI of Greece decreased considerably.

In contrast to the problematic profile of Greece Germany exhibited a positive profile. Specifically, Germany in 2016 ranked 7th among OECD countries, 7th among European and 6th among EU countries. Germany also exhibited a significant improvement of its CI during the period 2007-2016 (from 51 to 70) that was mainly due to reforms in its judicial system.

TABLE 2

	Confidence Index		Rank
	2007	2016	2016
Germany	51	70	7th
Netherlands	65	66	12th
U.K.	55	63	13th
OECD	42	55	
France	47	42	19th
Greece	47	42	25th

References

[1] https://www.efsyn.gr/stiles/apopseis/355916_thesmiko-nayagio-kai-dikaiosyni

[2] https://www.efsyn.gr/stiles/apopseis/327387_thesmoi-kai-koinonia-streblosi-kai-diafthora

[3] <https://www.cmi.no/publications/5091-courts-corruption-and-judicial-independence>

[4] <https://www.ganintegrity.com/portal/country-profiles/germany/>

APPENDIX 1

UGES SELECTED PUBLICATIONS

https://www.researchgate.net/publication/346033574_UNIT_OF_GERMAN_STUDIES_UGES

PERCEPTION OF CORRUPTION IN PUBLIC SECTOR WITH EMPHASIS ON THE JUDICIAL SYSTEM.
COMPARISONS BETWEEN GREECE AND GERMANY (forthcoming)

https://www.researchgate.net/publication/358387758_THE_EXODUS_OF_SCIENTISTS_AND_ACADEMICS_FROM_NAZI_GERMANY_TO_TURKEY_AND_ITS_IMPACT_ON_THE_MODERNIZATION_OF_IT

https://www.researchgate.net/publication/361256036_THE_FEDERAL_INTELLIGENCE_SERVICE_OF_GERMANY_AND_THE ARISING_SECURITY_THREATS

https://www.researchgate.net/publication/349028408_The_geoeconomic_defense_and_security_impact_of_the_German-Turkish_geopolitical_understanding_and_cooperation

https://www.researchgate.net/publication/339781627_THE_GEO-ECONOMIC_DYNAMICS_OF_GERMANY_1996-2006

COMPARATIVE ANALYSIS OF THE GEO-ECONOMIC PROFILE OF GERMAN REGIONS IN THE CONTEXT OF EUROPE)

<https://www.stt.aegean.gr/geopolab/GEOPOL%20BOOKS.htm>

https://www.researchgate.net/publication/339461203_Geographic_Information_System_Regional_Germany

https://www.researchgate.net/publication/343989166_Germany_and_France_in_the_context_of_European_geoeconomic_dynamics

THE PURSUIT OF A NEW ORDER IN EUROPE AND THE MIDDLE EAST)

WORLD GEO-POLITICAL DYNAMICS AND THE ANGLO-GERMAN CONFLICT: A HISTORICAL REVIEW .
https://www.researchgate.net/publication/339487635_THE_PURSUIT_OF_A_NEW_ORDER_IN_EUROPE_AND_THE_MIDDLE_EAST

https://www.researchgate.net/publication/344124224_COMPARATIVE_ANALYSIS_OF_THE_SOCIO-ECONOMIC_PROFILE_AND_GEO-ECONOMIC_ATTRACTIVITY_OF_THE_REGIONS_OF_BAVARIA_IN_THE_CONTEXT_OF_EUROPE

https://www.researchgate.net/publication/344161723_THE_GERMAN_DIMENSION_OF_THE_SOCIO-ECONOMIC_GRAVITY_SYSTEMS_OF_EUROPE

https://www.researchgate.net/publication/340829041_GERMAN_FEDERAL_STATES_STATISTICS_1996_-_2014

https://www.researchgate.net/publication/340828888_GERMAN_REGIONS_STATISTICS_1996_-_2014

https://www.researchgate.net/publication/344538749_THE_CONTROVERSY_OVER_THE_BATTLE_OF_SOMME_A_Note

https://www.researchgate.net/publication/344538777_THE_GRAND_BETRAYAL_THE_GOEBEN-BRESLAU_INCIDENT_Author_Ioannis_Vidakis_extracts_from_the_book_The_Pursuit_of_a_New_Order_in_Europe_and_the_Middle_East_editors_John_Karkazis_Josef_Vanunu_and_Ioannis_Vidakis

https://www.researchgate.net/publication/344538311_THE_CONTROVERSIAL_ROLE_OF_GENERAL_LUNDENDORFF_IN_WWI_extracts

https://www.researchgate.net/publication/344538838_THE_STRATEGIC_THREATS_FACED_BY_GERMANY_THROUGH_THE_VIOLENT_PSYCHIC_METAPHOSES_OF_THE_GERMAN_MASSES_extracts

https://www.researchgate.net/publication/344538832_THE_GERMAN_GEOPOLITICAL_PURSUITS_DURING_LATE_19th_AND_EARLY_20th_CENTURY_extracts