

Criminological aspects of corruption

Abstract

The purpose of this work is to analyse selected criminological aspects of corruption and, based on the findings, to offer the reader a different, less usual, point of view on these aspects. The purpose of this work is also to evaluate to what extent the means used to fight corruption are able to achieve the goal for which they were or should be adopted.

In the first part, I focus on the inconsistent definition of corruption and, after demonstrating several definitions, I extract the characteristics that are, based on the findings, typical for corruption. Subsequently, I subject individual features to analysis and flexibility. Corruption is commonly interchangeable with lobbying, so in the second part I explain its essence and the reasons why this confusion occurs. The media plays a fundamental role in this, but also our political culture, when at the same time we miss the regulation of lobbying.

With regard to the capture of corruption in the criminal code, I considered it necessary to analyse the regulation of bribery crimes. In the third part, I therefore focus on the necessary connection between these criminal acts and the procurement of the general interests, and I mention here the jurisprudence of the courts by which this term is interpreted in the absence of its legal definition. At the same time, I also mention non-criminal corruption. However, I also pay great attention to the non-adopted regulation of special effective repentance from the Criminal Code. I assess here whether other procedures and institutes that have been adopted into the legal framework are able to replace it. At the same time, I come to the conclusion that it is not, because they do not provide the perpetrator with sufficient certainty, and therefore no motivation for reporting corruption.

The fourth part deals with selected means of fighting corruption, while those have been selected because they follow the aspects mentioned in earlier parts. In the first place, therefore, is the code of ethics, whose influence on the level of corruption is, in my opinion, overestimated, as it does not hold up in comparison with legally binding legal regulations. I continue with an agent provocateur, which, as an excessive procedure of investigating, prosecuting and adjudicating bodies, is a consequence of the latent nature of corruption. In conclusion, I deal with the regulation of lobbying and its potential to influence the perception of lobbying and prevent it from being confused with corruption.

Key words: criminology, corruption, lobbying