

Corruption and Legitimacy

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Abstract: *The term of legitimacy is always central in the political discussion around the globe. The contested explanations about legitimacy regarding the types and the way it is obtained are widely discussed and analyzed including the causes of the crisis of legitimacy and how to maintain the legitimacy. Nevertheless, legitimacy will be in critical if the governed start to probe whether that conferring power is exercised in the right way or not. One of the prominent causes of crises legitimacy is corruption. The venal actors in the legitimate states are often assumed to deteriorate the legitimacy of the countries. This essay, therefore, aims to discuss the impact of corruption toward states' legitimacy. The discussion of this essay is conducted through library research of some relevant journals and related publications. It evident that corruption affects the political legitimacy which acts as a foundation of political authority.*

Keywords: *legitimacy; corruption; governance; political authority.*

Introduction

The term of legitimacy is always central in the political discussion around the globe. The contested explanations about legitimacy regarding the types and the way it is obtained are widely discussed and analyzed including the causes of the crises of legitimacy and how to maintain the legitimacy. In general, legitimacy can be perceived as the foundation of firm government (Heywood 2004: 121). Nevertheless, legitimacy will be in crisis if the governed start to probe whether that conferring power is exercised in the right way or not. One of the prominent causes of crisis legitimacy is corruption which is defined as a “moral hazard problem” by

Ionescu (2013: 184). The venal actors in the legitimate states are often assumed to deteriorate the legitimacy of the countries. This essay, therefore, aims to discuss the impact of corruption on states' legitimacy. I will argue that corruption is weakening the legitimacy in sovereign states by creating apathetic societies. This kind of social order, in turn, inclines to choose non-democratic legitimacy, which is caused by their distrust of the corrupt states. To make this argument, I will first present the definition of legitimacy both democratic and non-democratic legitimacy including the arguments regarding the importance of democratic legitimacy compared to non-democratic

legitimacy. I also will draw the definition of corruption before providing and explaining its deteriorate impacts, particularly on democratic legitimacy. Finally, I will propose some of the recommendations on how to stamp out corruption after presenting the conclusion.

Methods

This essay utilizes the literature research method in discussing the problems of corruption and its possible impacts on the governance practices and legitimacy of the authority. There are some reasons for selecting the literature research method in this essay.

First, the method is useful in obtaining enough details to support the discussion in the essay thank to the wide variety of sources of data and topic. Onwuegbuzie and Frels (2016:49-50), for example, state that the data for the research findings purposes can be gathered from any part of work such as research article, book chapter, and book.

It is also possible to gain the information from “the title, abstract, literature review section, theoretical or conceptual framework, purpose statement(s), research question(s), hypotheses, statement of the educational significance, method section (e.g., participants, instruments, procedure, research design, analysis), result section, and discussion section” (Onwuegbuzie and Frels 2016:50).

Another reason for selecting the literature research method is the simplicity. This method, for example, involves more simple techniques than other available methods namely reading and synthesizing. As Lin (2009:179)

writes, a literature-research method “is to read through, analyze, and sort literatures in order to identify the essentials attribute of materials”. In addition, according to Yuan (2009, cited in Lin 2009:180): a literature research methodology utilizes pieces of literature to obtain information from a different point of view.

Finally, this method, as written by Snyder (2019:334), can be utilized by the researchers to synthesize previous research findings on a similar topic. These findings along with other appropriate information abstracted from each selected article are used to conduct an analysis (Snyder 2019:337).

In this essay, therefore, I elaborate on some topic-related works of literature (28 articles) that support the discussion on the definition of legitimacy and corruption. I also use the data, which developed from the pieces of literature, in analyzing the impacts of corruption on legitimacy.

Result and Discussion

Definition of legitimacy

The terminology of legitimacy or *legitimus* (in Latin word) is first used to describe state’s activities both in Roman and feudal government (Hurrelmann, Schneider, and Steffek 2007: 4).

Legitimacy is started by the transformation of power into an authority and the foundation of the exercise of power in the right manner that can be accepted by the citizens (Heywood 2004: 121). According to Reus-Smitt (2007: 160), legitimacy should be socially recognized, and it is different from values. This idea of legitimacy also denotes “the rightfulness and acceptability of political authority.” (Hurrelmann, Schneider, and

Steffek 2007: 3). In an apolitical context, Coicaud (2002, cited in Reus-Smit 2007: 159) states that legitimacy is a right to rule that is given by people. In addition, Heywood (2013: 81) further explains legitimacy in a political perspective by introducing Max Weber's understanding of legitimacy 'as a sociological phenomenon.' In this understanding, there are three bases of authority where legitimacy is established.

Firstly, traditional authority. On this basis, power is shaped by existing values that are unquestioned because it is widely accepted such as village elders and family patriarchal.

Secondly, charismatic authority. It works through personal qualities instead of based on formal rules and procedures. Ayatollah Khomeini, Mussolini, and Fidel Castro, for example, use individual abilities to gain their authority.

Finally, the legal-rational authority rests on a set of rules in modern states where power itself is attached to the office rather than a person (Weber, cited in Heywood 2013: 81-83). In general, therefore, legitimacy can be defined as a capacity of the regime, which is attributed by people (Reus-Smit 2007: 44), in exercising its authority in "rightful, justified, and acceptable" techniques to "command the allegiance and support its citizens" (Heywood 2004: 121).

There are two general types of legitimacy, namely democratic legitimacy, and non-democratic legitimacy (Anderson 2005: 10; Heywood 2013: 86-87). The democratic legitimacy, to begin with, has a close relation to democracy (Heywood 2013: 86; Anderson 2005: 13). This type of legitimacy is widely considered the most important form of legitimacy (Heywood

2013: 86). The reason is that the democracy mechanisms such as consensus, compromise, pacification, cooperation, and feedback system support democratic legitimacy (Heywood 2013: 86; Beetham 1991: 64).

In contrast, non-democratic legitimacy does not represent democracy instruments. It is often developed through authoritative sources both externally and internally (Beetham 1991: 70-75) with the use of "coercion and repression" (Heywood 2013: 87).

There are some countries with non-democratic legitimacy that survive and continue to distribute services to their people (Heywood 2013: 87). These states utilize "rigged" election, an ability to deliver services, and ideological legality to maintain the non-democratic legitimacy. For example, Nazi German and Fascist Italy use a non-competitive election. China uses its ability in elevating economic growth, and Gamal Abdul Nasser and Colonel Gaddafi in Egypt practice ideological legitimacy (Heywood 2013: 87-88). However, it is evident that the non-democratic legitimacy is vulnerable. According to Reus-Smit (2007: 161), legitimacy is about the ability to fulfilling the public's expectations. As mentioned above, non-democratic legitimacy relies on the use of power, which is very often coercively, to maintain their public acceptance. When people start to question whether the actors succeed or not to meet the society's moral values in exercising their power, crises of legitimacy occur. This circumstance, as written by Heywood (2013: 89), shoves these non-democratic legitimate states to apply their power in progressive ways to secure their legitimacy, yet it very frequently ends up

unsuccessful and causes them to collapse. For example, Greece and Portugal collapsed in 1974, then followed by Spain, Iran, Argentina, and the Philippines in 1976, 1979, 1982, and 1986 respectively (Beetham 1991: 119).

Having explained those two types of legitimacy, I will argue that democratic legitimacy is more important than non-democratic legitimacy. The main reason is that the previous legitimacy relates to the concept of democracy which involves the election processes where political actors obtain their power as well as develop their political legitimacy (Anderson 2005: 7; Buchanan 2002: 689). As Horton (2012: 130) writes, political legitimacy describes the manner of the running of authority including a set of rules which acts as a guide to the politicians' actions toward their subjects. In another word, in order to be defined as legitimate, authorities should obey the rules that have been established within the community; otherwise, they are seen as illegitimate. This system, in turn, prohibits them to exercise their power abusively.

Definition of corruption

It has been mentioned above that the authorities must follow a code of conduct in order to maintain their legitimacy. Indeed, not being corrupt is a part of those rules. According to Transparency International (2016), corruption is "the abuse of entrusted power for private gain". It should be noted that corruption has nothing to do with economic development within states. In fact, some developed countries have significant cases of venality (Ionescu 2013: 185). For example, the scandal of Panama paper reveals the deposit of shady cash

offshore made by prominent actors from around the globe including from developed countries (Chakraborty 2016).

There are two types of corruption, namely grand corruption, and petty corruption (Theobald and Doig 2000: 3). Firstly, grand corruption is described as the abuse of power in the public sector by high-level actors such as presidents, ministers, and high-ranking officers to obtain self-financial advantages (Theobald and Doig 2000: 4). For example, former Indonesian Minister of Tourism, Jero Wacik, who misused his ministerial budget for personal financial benefit is punished four years in prison (Indonesian Investments 2016). A recent example of this type of corruption is shown by the minister of social welfare of the Republic of Indonesia who misuses his position for private gains.

Secondly, petty corruption is defined as low-level bureaucrats' corruption. It is often denoted as "speed or grease money" which is weakening the public trust in the lowest level institutions (Theobald and Doig 2000: 5). For example, public officers at the low level of government ask for extra money for their services (Transparency International 2016). These two types of corruption, according to Ionescu (2012: 175), will cause inadequate social order in terms of politics and socio-economic.

In the political context, corruption can be defined as the improper use of public power for private takings (Theobald and Doig 2000: 3; Shleifer and Vishny 1993, cited in Fjelde et al. 2014: 270; Rose-Ackerman 1999: 91). According to Fjelde (2014: 270), political corruption is "a behavioral pattern associated with patronage politics." For instance, corrupt

politicians tend to obtain their votes by using money politics.

As a consequence, after getting elected, they will use their power erroneously to acquire this cashback. Similarly, Ionescu (2015: 65) writes that political corruption relates to deception in procurements, deviation of public monies, and over-invoicing. Thus, it is very often that they will use their positions of power to benefit themselves such as accumulate wealth. Take Michael Cobb, an NSW federal MP from the National party, as an example of a politician who was found guilty of fraud on travel allowance (Sidney Criminal Lawyer 2015).

The Impact of Corruption

Some people claim that corruption has no effect on reducing legitimacy. This assumption is based on the recent circumstance in several countries which are categorized as corrupt states still able to run their administrations. These countries can still hold elections both for their parliaments and state leaders. For example, Indonesia, which is ranked 107 of 175 countries as a corrupt state (Transparency International 2014) abides its governments. However, according to the definitions of corruption outlined above, I will argue that corruption deteriorates legitimacy.

It has been stated by Heywood (2013: 81) that legitimacy is built on moral commitments, political manners, and principles. This statement means that legitimacy is linked to the people's expectations of the rules within the states. By borrowing Weber's notion of legal-rational authority, Beetham's conception of legitimacy as justifiability of rules, and Heywood's perspective of legitimizing

power which develops the concept of legitimacy, I will draw the causality of corruption and the decline of the legitimacy. Weber (cited in Heywood 2013: 82) points out that legal-rational authority associated with a set of clear and legal rules which guide government official's action. It means that to execute their power legitimately, they are stipulated to adhere to the consented rules. Furthermore, Beetham (1991: 69) demonstrates that power is legitimate when the justified collective framework of principles is shared between dominant and subordinate. The legitimacy also has to be proved by the consent of the governed (Beetham 1991: 69). The expression of approval, according to Heywood (2013: 83), accentuates two prominent parts of the legitimation process specifically the actuality of elections and party rivalry and the presence of constitutional rules. This ideal order to obtain democratic legitimacy is undermined by corruption.

Elections and party competition are part of the development process of democratic legitimacy. Heywood (2013: 86) writes that the spirit of democratic governance is built through elections and party competition which is parts of a "non-violent conflict resolution" mechanism. Through this political participation, citizens are emboldened to embrace political activities as equitable, and they have to regard and comply with those in power (Heywood 2013: 86). Moreover, "competitive elections establish a connection of formal responsibility between policymakers and individuals" (Ionescu 2015: 64).

When an affair of corruption takes place in these processes, then citizens, as

voters, will make different political options such as to vote for different candidates instead of the incumbent (Ionescu 2015: 64) who is corrupt. The voters may also avoid participating in political activities because they consider that those venal actors may skew their political agenda to benefit themselves instead of public interests once they get elected (Transparency International 2016; Birch 2009: 2). This situation, in turn, diminishes the quality of democracy (Birch 2009: 2) since political process such as elections is part of democracy. In addition, people's power which is shown by their participation in political processes in order to develop democratic legitimacy will be no longer exists. Instead, they will tend to accept non-democratic legitimacy because citizens believe that their contributions to political activities are not significant. As a consequence of the absence of political legitimacy and compliance from people, the body such as the Parliament will lose its political authority.

As Buchanan (Buchanan 2002: 691) writes, political authority is possessed by the entity if there are political legitimacy and obedience from people within its statute's range. Therefore, corruption decreases the legitimacy of the states by reducing the participation of citizens in the democratic process. David Copp gives a good illustration of this situation. Copp (1999: 3) parables that when the drug-smuggling cartel takes over the legitimate state and builds its administration, it will not be automatically seen as legitimate because of the non-existence of the right from people within the state.

Another negative impact of

corruption is the increase in people's distrust of government programs. Citizens perceive that the government is incapable of executing its plans properly. This incompetence is a result of the malfunction of the institutions both public and private (Rose-Ackerman 1999: 1). In public sectors, the dysfunction is caused by corruption practices such as bribery. As United Nation Congress on the Prevention of Crime and the Treatment of Offenders (1990, cited in Theobald and Doig 2000: 24) warns, "corrupt activities of public officials can destroy the potential effectiveness of all types of governmental programs, hinder development, and victimize individuals and groups." Officeholders who corrupt, for example, ask some money to serve the individuals (Rose-Ackerman 1999: 15).

It means that the services available only to those who pay the money; thus, people assume that the government's officers will not be able to do their job properly if they are not bribed. This situation, in turn, is affecting civic perspective toward the programs of the public sector in general. They conclude that whatever programs that government takes, there is always corruption go along with it. For instance, the cash transfer program in Indonesia. Some of the recipients of this program complained that the money they received is less than the actual amount (Widjaja 2013: 7). They assume that crook officers take some of their money. The accumulation of disappointment within society resulting in the rejection of almost most of the government's programs. There are some anecdotal shreds of evidence of this refusal such as the denial of aspiration funds for each Member of Parliament in

Indonesia and the rejection of the spending on the government offices building in Indonesia (Indonesian Corruption Watch (ICW) 2010).

These adverse effects of corruption, eventually, will generate an apathetic society that is more likely to accept authoritarian government. Although this is not to say that the totalitarian government is wrong in every aspect, the legitimate democratic states are based on democracy principle which is, according to Heywood (2013: 80), the most “stable and enduring principle in the postmodern political landscape.” Thus, democratic nations are more beneficial to societies than authoritarians.

An apathetic society has no concern about democratic processes, including elections which are conducted to elect their representatives. This phenomenon represents the assumption of society that their political participation is no longer essential (Hurrelmann, Schneider, and Steffek 2007: 2). In 2014, for instance, data showed that 47.7 percent of the Indonesian eligible voters are not sure that that election will be conducted free and fair whereas 8.9 percent of them consider that the elections would not be equitable and free (Thornley 2014: 8).

Also, they show the absence of interest in most government activities. As a result, there is a lack of supervision on the government actions, which leads to uncontrolled states and tends to transform democracy into an authoritarian. Take the recent conditions in Indonesia as an example, where people perceive that Soeharto’s era is better than the reformation period in terms of delivering services, economic stability, and security. Also, the massive corruption cases which

occur at the Indonesian parliament after Soeharto’s era both at the state and regional level cause the people’s demand to dissolve parliament. In another word, citizens disregard the importance of Parliament as a symbol of democracy because of corruption.

Conclusion

A general explanation of corruption is the misuse of the power to gain private benefits (Theobald and Doig 2000: 3; Shleifer and Vishny 1993, cited in Fjelde et al. 2014: 270; Rose-Ackerman 1999: 91) and has adverse effects on legitimacy. It evident that corruption affects political legitimacy which acts as a foundation of political authority. Political activity such as elections severe from malpractices because it triggers public disobedience of the role of votes. Also, the citizens become unaware of their government’s programs as well as the institutions within the states. This ignorance happened because people perceive that venality agendas escort most of the government's plan. The venal actors in organizations are also seen as the reason for institutions’ incapability. As a consequence of those both societies’ reaction toward corruption, people may avoid participating in the elections or, at the worst condition, they vote for incapability candidates because people do not see the difference. The result is the emergence of an apathetic society that inclines to act passively concerning democratic processes and more likely to accept authoritarianism.

It is realized that corruption is a difficult problem to be solved. However, it is not impossible to alleviate the malpractices. According to Rose-Ackerman (1999: 143-74), in the political

context, corruption can be restrained by limiting political power.

To control political power, Rose-Ackerman (1999: 143) proposes the combination of independent monitoring and enforcement with restrictions of the politicians' power and political entities. The main idea behind these strategies is to limit political power so that it will be not used to obtain private benefits.

In addition, Rose-Ackerman (1999: 151) suggests that it is also required a self-determining judicial and prosecutorial organizations. In case that prosecutorial institutions pay no attention to the corruption cases, it necessary to establish independent anticorruption commissions (Rose-Ackerman 1999: 159) including the organizations for individual complaints. For example, the corruption eradication commission (KPK) in Indonesia and Ombudsman. These anti-corruption bodies should be ensured to have a privilege such as conducting an investigation regarding corruption and administrative disappointments at all levels of government organizations (Rose-Ackerman 1999: 170; Clarke 2011: 23).

Another considerable way to eliminate corruption is to increase the integrity amongst government administrators within organizations. According to Valentina and Putera (2014: 80), integrity in the organizational context is "the quality to act, appropriate to moral values, norms, and rules acceptable to members of organization and stakeholders." The higher level of integrity that employees possess, the more unlikely corruption activities occur.

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I am a civil servant at Pemerintah

Kota Mataram. I graduated from the University of Mataram in 2008 and completed the second master (Governance and Public Policy) from the University of Queensland in 2017. Currently, I am a doctoral student at the UNSW Australia focusing on Gender, Disability, and Public Policy.

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