

1. TITLE: Exploring the Criminogenic Roots of Corruption in Portuguese Local Government: A Multidimensional Analysis Based on Interviews with 12 Local Government Officials.
2. RESUME:

In recent decades, the world scene has changed in line with the social, cultural, economic and political transformations resulting from globalisation, and an example of this is the growth of corruption (Maia, 2014), which has spread with the approximation and interdependence of states and international economies that have eroded national borders and extended their international presence (Transparency International, 2012). In conjunction with the increasing speed of information, markets have become subject to international economic fluctuations and therefore vulnerable to the contamination of this criminality (Loureiro, 2012) whilst the phenomenon has been felt in the political and social structure of countries (European Commission, 2018; Maia, 2014), jeopardising the stability of financial markets and freedom of competition (Cunha, Serra & Costa, 2012) with an estimated global economic cost of 3.6 billion dollars (Johnson, 2018).

Local government is at the centre of the welfare, rights and interests of the Portuguese population and its economy, as well as the development and management of public policy, state revenue and infrastructure, justifying the power and autonomy it wields (Amaral, 2018; Catarino, Silva, Cirstóvam, 2017). From this power arise setbacks and it is clear from existing literature, both international (Brooks, 2016; Albanese and Artello, 2019; Cordis and Milyo, 2016; TNS Opinion and Social, 2017; European Commission, 2020), and national (Kutschka, 2021; TNS Opinion and Social, 2017), as well as from social perceptions (CPC, 2020), the significant presence of corruption (TNS Opinion and Social, 2017; Transparência e Integridade Associação Cívica, 2013; Morgado & Vigar, 2007) in these institutions, ranging from construction, inspection and urban planning to licensing and procurement (Morgado & Vigar, 2007; Rose-Ackerman, 2014; European Commission, 2018; Sousa, 2011; Lopes, 2011).

However, the conceptual framework of corruption is within an ambiguous scientific space (Graaf, Wagenaar, Hoenderboom, 2010) which is expanding (Loureiro, 2019), conceptually fragmented (Lopes, 2011) and oversaturated (Huberts, 2010), which has led critics to infer that, although the crime of passive corruption predominates in Portuguese local government (European Commission, 2020; TNS Opinion and Social, 2017), this hampers the fulfilment of criminal law resolutions (Cunha, 2013). In addition, the phenomenon's complexity renders its prevention an arduous task (Portela, 2013; Albanese & Artello, 2019), making it difficult to be effective (European Commission, 2020), as seen in the low number of prosecutions (Council for the Prevention of Corruption, 2020), convictions (European Commission, 2020; Sistema de Segurança Interna, 2023; Maia, 2019), and the increase in social disbelief in justice (Kutschka, 2021; TNS Opinion and Social, 2017). At the same time, there is a lack of resources, specialisation (European Commission, 2020; Bravo, 2014), and legislative complementation or innocuousness in implementation and monitoring (Governo de Portugal, 2020).

In light of the above, there has been growing interest in multidisciplinary approaches (Lopes, 2011; Mascarenhas, 2019) to the analysis of corruption (Zimring & Johnson, 2005; Mascarenhas, 2019; Lopes, 2011), such as the criminological approach. Several inferences emerge from the literature (Brooks, 2016) about the possible criminological contribution to the etiological exploration of the phenomenon. Different studies have uncovered a wide range of criminogenic risk factors, which reinforce the convenience of a

multidisciplinary and comprehensive analysis (Kolthoff, 2020), aimed at clarifying the phenomenon's etiology and guiding preventive intentions. In this context, studies have been conducted favouring a comprehensive analysis of the plethora of theories and risk factors (Dimant & Schulte, 2019).

From this bibliographic portrait, an empirical investigation was born, which, using the qualitative method (Dimant & Schulte, 2019), notably semi-structured interviews, collected the experiences and opinions of 12 local government officials concerning the roots of corruption in the inner reality of Portuguese local government. Aiming to gain a better understanding of the morphological characteristics of passive corruption in local authorities and of the circumstances underpinning its occurrence, several characteristics and a number of risk factors were identified. Eight multidimensional, dynamic and interactive risk factors were identified in terms of etiology, mutually affecting criminogenic effects that contribute to a greater likelihood of the occurrence of bribery in local governments. These were explained within a pyramidal model, in which they were grouped by criminogenic effect into 3 dimensions: macro, meso and micro. Each group of risks was associated with criminogenic processes that influence internal conduct, which emerged from the expression of these factors, which were then analysed on the grounds of existing literature and theories in the criminological field

This study, based on the author's master's thesis, has produced a set of results whose depth and breadth allow for theoretical and practical considerations that are pertinent to the advancement of scientific knowledge in the fields of Corruption, Research Methodologies and Criminal Sciences in general, with possible theoretical and practical impacts for future scientific and preventive initiatives. Our aim is to discuss our findings and their implications for the advancement of theoretical-etiological studies, namely those which exploit integrated theories, focusing in particular on corruption and white-collar crime, as well as the practical relevance of these findings for the work of criminal law and criminal policy in the fight against corruption and white-collar crime, drawing from the Portuguese context.

3. BIBLIOGRAPHY

Ackerman, S. R.. (2014). A Corrupção e a promoção da boa governação. In Pimenta, C., Maia, A., Teixeira, A., Moreira, J. A. (eds.). *Perceção da fraude e da corrupção no contexto português*. Húmus, 2014.

Albanese, J., Artello, K. (2019). The behaviour of Corruption: An empirical typology of public corruption by objective & method. *Criminology, Criminal Justice, Law & Society*. 20(1), pp.1-12. ccjls.scholasticahq.com/article/7735-the-behavior-of-corruption-an-empirical-typology-of-public-corruption-by-objective-method

Amaral, D. F. do . (2018). Curso de Direito Administrativo. 4th edition. Edições Almedina, 2018.

Bravo, J. dos R.. (2014). Fraude e corrupção: Repensar um modelo contemporâneo de prevenção e controlo da criminalidade económico-financeira. In Costa, J. de F., Godinho, I. F., Souza, S. A. de. *Os crimes de fraude e a corrupção no espaço europeu* (pp.111-137). Coimbra Editora, 2014

Brooks, G. (2016). *Criminology of Corruption: Theoretical Approaches*. Palgrave Macmillan.

Catarino, J. R., Silva, M. M., Cristóvam, J. S. da S. (2015). Articulação de competências no poder municipal: Um estudo sobre a sua recente reforma em Portugal. *Revista da Escola Superior da Magistratura do Estado de Santa Catarina*. 22(28), pp.105-133. [10.14295/revistadaesmesec.v22i28.p105](https://doi.org/10.14295/revistadaesmesec.v22i28.p105)

Comissão Europeia. (2020). Relatório de 2020 sobre o Estado de Direito: Capítulo relativo a Portugal. In Comissão Europeia. *Relatório de 2020 sobre o Estado de Direito: Situação na União Europeia*. Comissão Europeia: Bruxelas, 2020. [EUR-Lex - 52020SC0321 - EN - EUR-Lex \(europa.eu\)](#)

Comissão Europeia. (2020). Relatório anticorrupção da UE. Comissão Europeia: Bruxelas, 2020. [EUR-Lex - 52014DC0038 - EN - EUR-Lex \(europa.eu\)](#)

Conselho de Prevenção da Corrupção. (2021). *Comunicações Recebidas: análise descritiva*. Conselho de Prevenção da Corrupção, 2021. [Relatórios de Atividades do CPC \(tcontas.pt\)](#)

Cordis, A., Milyo, J. (2016). Measuring public corruption in the United States: Evidence from administrative records from federal prosecutions. *Public Integrity*, 18(2), pp.127–148. [10.1080/10999922.2015.1111748](#)

Cunha, R. A., SERRA, S. A., COSTA, M. M. – Medidas de combate à Corrupção em Portugal. In *Book of Proceedings: Tourism and Management Studies International Conference*. Universidade do Algarve, 2012. <https://www.redalyc.org/pdf/3887/388743875026.pdf>

Dimant, E., Schulte, T. (2019). The Nature of Corruption: An Interdisciplinary Perspective. *German Law Journal*, 17(1), pp.53-72. doi.org/10.1017/S2071832200019684

Governo de Portugal. (2020). *Estratégia nacional de combate à corrupção: 2020-2024*. Ministério da Justiça, 2020. <https://justica.gov.pt/Estrategia-Nacional-de-Combate-a-Corruptao-ENCC>

Graaf, G. de., Wagenaar P., Hoenderboom, M.. (2010). Constructing Corruption. In Graaf, G. de., Maravić, P. von., Wagenaar, P. (eds.). *The Good Cause – Theoretical Perspectives on Corruption*. (pp.98-114). Barbara Burdich Publishers, 2010.

Huberts, L. (2010). A Multi Approach in Corruption Research: Towards a More Comprehensive Multi-Level Framework to Study Corruption and Its Causes. Graaf, G. de., Maravić, P. von., Wagenaar, P. (eds.). *The Good Cause – Theoretical Perspectives on Corruption*. (pp.146-165). Barbara Burdich Publishers. 2010.

Johnson, S. (2018). *Corruption is costing the global economy \$3.6 trillion dollars every year*. World Economic Forum, 2018. <https://www.weforum.org/agenda/2018/12/the-global-economy-loses-3-6-trillion-to-corruption-each-year-says-u-n/>

Kolthoff, E. (2020). Criminological responses to corruption. In GRAYCAR, Adams (ed.). *Handbook on Corruption and Integrity in Public Administration* (pp.433-448). Elgar Handbooks in Public Administration and Management, 2020.

Kutschka, R. M. (2021). *Citizen's views and experiences of corruption: Global Corruption Barometer European Union 2021*. Transparency International, 2021. pp.14-61. [Global Corruption Barometer - European Union - Transparency.org](#)

Maia, A. (2014). Portugal com futuro: A luta contra a corrupção e o crime económico. In Pimenta, C., Maia, A., Teixeira, A., Moreira, J. A. (eds.). *Perceção da fraude e da corrupção no contexto português*. Edições Húmus, 2014.

Maia, A. J. (2019). A prevenção da corrupção em Portugal – a ação do Conselho de Prevenção da Corrupção. In Loureiro, F. SEIJAS, F. V.-P. (coords.). *Corrupção: Atas de Conferências Internacionais Corrupción y Reforma Penal e Corrupção, Democracia e Direitos Humanos*. (pp.51-66). Centro de Investigação Interdisciplinar em Direitos Humanos, 2019.

Lopes, J. M. (2019). *O Espectro da Corrupção*. Edições Almedina, 2011.

Loureiro, F. L. (2012). Os problemas económico-financeiros transnacionais e o encurtamento dos direitos humanos. In Monte, M. F., Brandão, P. de T. (coords.). *Direitos humanos e a sua efetivação na era da transnacionalidade*. Juruá Editora, 2012.

Loureiro, F. N. (2019). Reflexões em torno da configuração moderna da corrupção. *Novos Estudos Jurídicos*, 24(1), pp.262-279. [10.14210/nej.v24n1.p262-282](https://doi.org/10.14210/nej.v24n1.p262-282)

Mascarenhas, O. (2019) Novos formatos e desafios da corrupção. In LOUREIRO, Flávia Novera., SEIJAS, Fernando Vázquez-Portomeñe (eds.). *Corrupção: Atas de Conferências Internacionais Corrupción y Reforma Penal e Corrupção, Democracia e Direitos Humanos*. (pp.43-50). Centro de Investigação Interdisciplinar em Direitos Humanos. Volume 1.

Morgado, M. J. VEGAR, J. (2007) *O inimigo sem rosto: Fraude e corrupção em Portugal*. Publicações Dom Quixote, 2007.

TNS Opinion & Social. (2017). *Special Eurobarometer 470: Corruption 2017*. TNS Opinion & Social, 2017. [2017 Eurobarometer-on-corruption ebs 470 en.pdf \(kpk-rs.si\)](https://ec.europa.eu/eurobarometer/ebs/ebs_470_en.pdf)

Transparência e Integridade Associação Cívica. (2013). *Índice de Transparência Municipal*. Lisboa: Transparência e Integridade Associação Cívica, 2013. [Relatório-ITM-2013.pdf \(transparencia.pt\)](https://transparencia.pt/relatorio-itm-2013.pdf)

Transparência Internacional (2012). *Sistema Nacional de Integridade: Portugal*. Transparência Internacional, 2012. p.17 [Publicações | Transparência Internacional Portugal \(transparencia.pt\)](https://transparencia.pt/publicacoes/transparencia-internacional-portugal)

Zimring, F., Johnson, D. (2005). On the comparative study of corruption. *British Journal of Criminology*, 45(6). pp.793-809. <https://ssrn.com/abstract=786145>