Combating Corruption in the Romanian Public Sector. Normative Framework, Institutional Mechanisms and Systemic Challenges

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Abstract

The article provides a critical and integrative analysis of the legal and institutional framework governing the fight against corruption within Romanian public administration, without limiting itself to a mere inventory of the relevant norms or institutions, but rather pursuing the internal logic of this system, its interdependencies, and the structural tensions that weaken it. Corruption is approached not merely as a manifestation of deviant individual behavior, but as the result of a combination of institutional, cultural, and political factors that sustain persistent vulnerabilities. The article highlights how national legislation has evolved over the past decades to respond both to internal demands for administrative reform and to external pressures, particularly in the context of European integration and Romania's commitments within the European Union. Relevant provisions from key legislative acts are discussed, including regulations on incompatibilities, conflicts of interest, the protection of whistleblowers acting in the public interest, transparency in the exercise of public office, and the assessment of integrity risks. The analysis does not stop at the formal level of regulation but examines how these norms are implemented in practice, with emphasis on the functioning of specialized agencies, the administrative capacity of institutions to implement coherent anti-corruption policies, and the internal mechanisms for control and ethics. In this regard, recurrent obstacles are identified that limit the effectiveness of existing mechanisms: fragmented responsibilities, lack of institutional coordination, weak performance evaluation, political pressure on certain independent authorities, and a low level of commitment to integrity principles at the

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decision-making level. The article offers a systemic reading of administrative corruption, articulating a theoretical perspective with applied observations on the institutional realities of Romania. The aim is not only to provide a diagnosis of the current framework but also to offer a basis for reflection on potential directions for reform, with a focus on cultural transformation, the professionalization of public administration, and the reconstruction of public trust in the functioning of state institutions.

Keywords: *administrative corruption; public sector; institutional integrity; regulatory framework; anti-corruption mechanisms; risk assessment.*

Introduction

Corruption represents one of the most complex and persistent dysfunctions of modern governance, manifesting as a systemic phenomenon with deep ramifications across all spheres of society. More than a mere individual deviation, corruption operates as a parallel mechanism that undermines institutional rules, affects the equitable distribution of resources, and deteriorates the trust relationship between citizens and state authorities. From a legal perspective, it is often defined as the abuse of public office for private gain, encompassing bribery, influence peddling, embezzlement, and the promotion of personal or group interests to the detriment of the public interest (Balan, 2019). In sociological and political terms, corruption is regarded as a major obstacle to sustainable economic development, affecting both the efficiency of public administration and equity in access to services (Ghibanu et al., 2022). The diversity of its manifestations - from administrative to political and economic corruption - contributes to its perception as a "social cancer" with cumulative effects on the entire institutional system. Specialist studies have emphasized that this phenomenon cannot be understood and effectively countered without an analysis of the structural and cultural factors that sustain it: from authoritarian ideologies and arbitrarily imposed normative practices to informal power networks, interest groups, and the weakening of social capital (Nagâț, 2020). In essence, corruption affects not only the legality of administrative procedures but also public morality, generating a climate of distrust, cynicism, and civic passivity.

In the Romanian context, corruption has been extensively documented as a constant feature of the post-communist transition,

fueled by political instability, the absence of an organizational culture oriented toward ethics, and the weakness of internal control mechanisms. Romania's accession to the European Union in 2007 prompted the adoption of significant structural reforms in the field of corruption prevention and control, including the development of a specialized institutional framework and the harmonization of legislation with European standards. Nevertheless, numerous analyses indicate stagnation in the progress achieved during the first post-accession decade, particularly concerning the effective enforcement of the law, the protection of whistleblowers, and the internalization of integrity values by political and administrative elites (Ghibanu et al., 2022). Despite the existence of national strategies and some isolated successes in the investigation and sanctioning of corruption offenses, the perceived level of corruption remains high. This stagnation can be explained by the persistence of deeply rooted systemic causes: educational and cultural deficiencies, inherited authoritarian models of power from the communist regime, poverty, lack of transparency in decision-making processes, political interference in administrative action, and the absence of genuine and effective civic oversight (Balan, 2019). Furthermore, globalization has contributed to the growing complexity and transnationalization of corruption, particularly in the areas of public procurement, privatization, and the management of European funds, creating new opportunities to circumvent legal constraints and consolidate clientelist networks.

Recent analyses highlight that, in Romania, corruption cannot be understood solely as a result of individual greed or legislative imperfections, but rather as the outcome of a constellation of interdependent factors: deficient institutional structures, ambiguous or politically manipulated norms, social tolerance toward abuse, and the lack of effective prevention policies. Authoritarian ideologies such as communism and fascism have left a lasting imprint on how the state is perceived - as a source of control, resources, and privilege - while economic liberalism, implemented without adequate social safeguards, has enabled the consolidation of inequalities and power relations that foster corruption (Nagâț, 2020). Political elites have often been involved in the formulation and application of norms not for the protection of the public interest, but for the preservation of their own spheres of influence. Interest groups and clientelist networks - sometimes overlapping with organized crime structures - contribute to the perpetuation of a parallel system of benefit distribution, in which access to public office, contracts, or financial resources is conditioned by loyalty, conformity, and complicity. In this context, civil servants

become vulnerable not only economically but also psychologically, being pressured to either engage in or tolerate corrupt mechanisms within an environment where compliance with rules is more the exception than the norm (Balan, 2019).

Building on these findings, the article aims to provide a critical and interdisciplinary analysis of the current normative and institutional framework for combating corruption in the Romanian public sector, while also highlighting the systemic challenges that limit the effectiveness of these mechanisms. The objective of this study is not to inventory the relevant legislation or to merely describe the mandates of the institutions involved in the prevention and punishment of corruption, but rather to identify major dysfunctions within the system, the discrepancies between normative provisions and practical implementation, and the reasons why anti-corruption policies often remain superficial or devoid of substance. In this regard, the article integrates both theoretical perspectives from the relevant academic literature and conclusions drawn from recent research on the sources of corruption and the vulnerabilities of Romania's public administration. The analysis will also take into account ideological frameworks that shape the relationship between the state and its citizens, the role of informal networks of influence, and the impact of education, public morality, and widespread poverty on societal predispositions toward corruption (Ghibanu et al., 2022). The ultimate goal is to establish a framework for critical reflection and to implicitly outline the contours of a sustainable and coherent reform strategy - one that goes beyond the classical sanctioning paradigm and moves toward a genuine culture of integrity within Romania's public administration.

The Strategic Dimension of the Fight Against Corruption: Programmatic Documents and Institutional Responsibilities

Adopted through Government Decision no. 1.269 of 17 December 2021, the National Anticorruption Strategy 2021-2025 (NAS 2021-2025) provides a unitary and coherent framework for action in the field of public integrity and corruption prevention, applicable to all central and local public administration authorities, as well as to public enterprises. Normatively grounded in Article 108 of the Constitution and in the provisions of Emergency Ordinance no. 57/2019 on the Administrative Code, the strategy reflects the institutional will to strengthen transparency, accountability, and ethical standards within Romanian public administration (Guvernul României, 2021a).

Government Decision no. 1.269 / 2021, by which the National Anticorruption Strategy for the period 2021-2025 is approved, does not

merely validate a strategic document of general orientation, but rather establishes a complex normative structure through which both the strategic objectives and the technical instruments necessary for their implementation are expressly instituted. Accordingly, this decision serves a dual function: on the one hand, it formalizes the governmental vision regarding the prevention and combating of corruption in public administration; on the other hand, it sets out an operational architecture for the implementation, monitoring, and evaluation of the proposed measures, in accordance with the requirements of transparency, efficiency, and institutional accountability. The content of the decision is complemented by five annexes with legal-administrative value, which form an integral part of the normative act and are essential for the concrete applicability of the strategy at the level of public entities (Guvernul României, 2021a). The first annex contains the National Anticorruption Strategy itself, clearly delineating the guiding principles, general and specific objectives, and sectoral priorities. The second annex includes sets of performance indicators, together with an analysis of the risks associated with each measure and each strategic objective, thus providing a quantitative and qualitative reference framework for monitoring progress. The third annex details the inventory of preventive measures, correlated with relevant evaluation indicators, emphasizing the anticipatory dimension of the strategy, oriented toward reducing institutional vulnerabilities before acts of corruption occur. The fourth and fifth annexes establish standards for the publication of public interest information - generally and, respectively, for public enterprises - designed to ensure a high degree of transparency and accessibility of essential data regarding administrative activity. These annexed documents do not constitute mere technical supplements, but rather autonomous normative components with methodological and operational roles in the strategy's implementation process. Through them, the strategy is instituted not only as a declarative public policy instrument, but as a functional mechanism characterized by procedural rigor, institutional responsibilities, and clear evaluation parameters. The importance of these annexes also derives from the fact that they standardize administrative approaches in the field of public integrity, allowing for the coherent application of strategic provisions across all targeted institutions and authorities. In this way, the normative act does not leave to the discretion of institutions the formulation of isolated internal policies, but instead imposes a common, quantifiable, and monitorable framework aimed at achieving ethical and efficient governance at the national level (Guvernul României, 2021a).

The concrete application of the National Anticorruption Strategy 2021-2025 involved, in administrative terms, a series of institutional stages with fixed deadlines, designed to ensure the effective assumption of commitments established at the national level. In this respect, public entities were required to complete, according to a strict timetable, two successive actions: the formulation of an organizational integrity agenda, of a declarative and guiding nature, and the development of a detailed integrity plan, with internal normative function and the value of an implementation instrument. These requirements, with deadlines set for March and June 2022, aimed to anchor the principles of the strategy in administrative documents formally assumed by the leadership of each institution and translated into practice through specific measures adapted to the institution's particular organizational context (Guvernul României, 2021a).

Integrity plans could not remain mere statements of intent; to ensure a minimum level of functionality, they had to be accompanied by administrative acts through which the institution's leadership expressly designated the persons responsible for coordination and monitoring. The allocation of roles - between a coordinator holding a managerial position and contact persons from the executive staff - was intended to create a clear internal chain of responsibility, ensuring that institutional commitments were not left without direct holders. At the same time, this mechanism reflects the strategy's preference for a decentralized yet coherent implementation, based on hierarchical accountability and procedural transparency, whereby each institution becomes responsible not only for compliance with external norms, but also for defining its own internal standards of integrity. The designation of these institutional actors is not a merely formal act, but entails the assumption of specific duties, clearly defined in the job description or through an individual administrative act. Taken as a whole, the implementation mechanism establishes a logic of hierarchical responsibility in which the institution's leadership is directly involved, and the coordination of the integrity plan becomes an integral part of the functional architecture of the public entity. Through these provisions, NAS 2021-2025 seeks to transform integrity into a concrete and assessable institutional practice, rather than a purely declarative objective (Guvernul României, 2021a).

The Ethics of Public Office and Institutional Accountability in Preventing Corruption

The conduct of civil servants and contract staff in public administration is governed by a set of explicit principles enshrined in

Article 368 of the Administrative Code, which aim to establish an upright, responsible, and transparent professional behavior towards both citizens and institutional duties. These principles include the supremacy of the Constitution and the law, prioritizing the public interest, equal treatment, professionalism, impartiality and independence, moral integrity, freedom of thought and expression, honesty and fairness, openness and transparency, as well as accountability and responsibility (Secretariatul General al Guvernului, 2023). These are not to be interpreted as mere ethical declarations but as directly applicable norms that influence performance evaluation, disciplinary liability, and institutional reputation.

The relevance of these principles is reinforced by the Order of the General Secretariat of the Government no. 600/2018 approving the Internal Managerial Control Code of Public Entities, which regulates Standard 1 - Ethics and Integrity. This standard obliges public entities to establish clear policies on professional ethics, to actively promote standards of conduct, and to prevent inappropriate behavior through internal monitoring and control mechanisms. The objective is not limited to formal compliance with legal requirements, but extends to cultivating an organizational culture where integrity is collectively embraced and institutionally supported. Consequently, public administration must move beyond mere legal adherence and internalize a set of professional values that ensure the rule of law. Adhering to these principles becomes a fundamental condition for exercising public office and entails concrete obligations regarding professional development, commitment to codes of conduct, and active engagement in mechanisms that prevent institutional corruption (Secretariatul General al Guvernului, 2020).

The preventive dimension of anti-corruption efforts in public administration includes, crucially, the clear regulation of prohibitions applicable to public officials. The Administrative Code sets out a range of ethical, political, and integrity-related restrictions that serve to clearly demarcate professional conduct from external influences or personal interests. These include the prohibition against directly or indirectly soliciting or accepting benefits related to one's office, abusing the prerogatives of one's position, or allowing political influence to affect administrative decisions (Secretariatul General al Guvernului, 2023).

The relationship with citizens and the media is subsumed under the principles of transparency, responsibility, and neutrality. Civil servants are required to treat all citizens with respect and impartiality, to avoid any discriminatory behavior, and to provide public information in an accessible and complete manner, in accordance with the law. In

media interactions, civil servants must respect the limits of their responsibilities and institutional rules of public communication, avoiding partisan remarks or unfounded statements that could damage the institution's image. These prohibitions are not merely administrative constraints but core elements of professional ethical conduct, aimed at strengthening public trust in the integrity and competence of public administration. Violations may result not only in disciplinary sanctions but also in administrative or criminal liability, depending on the gravity of the offence. In this context, both individual and collective accountability of public sector personnel must be reinforced through clear institutional policies on communication, training, and response to misconduct.

Standard 1 - Ethics and Integrity, part of the Internal Managerial Control Code regulated by Order no. 600/2018 of the General Secretariat of the Government, is one of the key tools in the institutional infrastructure for preventing corruption. Implementing this standard entails the adoption of codes of conduct, the appointment of an ethics counsellor, staff training, and the establishment of a functional whistleblowing mechanism. The code of conduct is not a formal document, but a practical tool for guiding professional behavior, which must be known, embraced, and applied by all public entity staff. The ethics counsellor plays a central role in enforcing this standard. This should be a person with moral and professional authority within the institution, capable of offering guidance, supporting training activities, reporting irregularities, and actively contributing to the development of an integrity-based organizational culture. According to the Guide to Good Practices for the Implementation of Standard 1, the ethics counsellor is not a control body but a facilitator of ethics within the institution (Secretariatul General al Guvernului, 2020).

The whistleblowing mechanism, established under Law no. 361/2022, is a key component of this standard, enabling the reporting of irregularities in a protected framework. Public institutions are thus required to develop secure and effective channels for receiving, registering, and processing such reports, alongside clear policies for protecting whistleblowers from retaliation. The effective implementation of this mechanism is an indicator of genuine commitment to integrity and public accountability.

All of these tools - codes of conduct, ethics counsellors, and whistleblowing systems - must not operate in isolation but be coherently integrated into an organizational strategy aimed at preventing corruption through the strengthening of institutional ethics. The National Anticorruption Strategy 2021-2025 reaffirms this

requirement, mandating public institutions to develop integrity plans, assess corruption risks, and regularly report to the Ministry of Justice on the implementation status of their commitments (Guvernul României, 2021a).

Transparency and Corruption Prevention in Public Office

One of the most significant legislative initiatives in the field of administrative transparency and corruption prevention in Romania was the adoption of Law No. 161/2003, which established a coherent legal framework for strengthening the integrity of public office. This law explicitly aims to reduce the risk of abuse through a series of concrete mechanisms focused on the digitalization of administration (e-government), the prevention of conflicts of interest, and the regulation of incompatibilities. Although adopted in the context of Romania's EU accession process, these measures have proven essential for the professionalization and depoliticization of the public administration.

Electronic administrative transparency, as provided in Title II of Book I, introduced the National Electronic System (SEN) as a public utility infrastructure meant to facilitate digital interaction between public institutions and citizens. According to the law, SEN consists of two major components: the e-government system for central administration and the e-administration system for local structures. The stated goals of this system are twofold: on the one hand, to eliminate direct contact between civil servants and service requesters, thus reducing opportunities for corruption; and on the other hand, to increase the efficiency and accessibility of administrative services. To this end, the law establishes core principles such as equal access, transparency in service delivery, and protection of personal data, along with strategic objectives such as reducing bureaucracy and facilitating online payments (Parlamentul României, 2003).

In parallel, Title IV of the same law provides a detailed regulation of the legal regime of conflicts of interest, defined as situations in which a person holding public office has a personal, patrimonial interest that could influence their objectivity in fulfilling duties. The law enshrines the principles of impartiality, decision-making transparency, and the primacy of public interest, establishing clear obligations for public officials, civil servants, and elected representatives to abstain from making decisions that could result in material benefits for themselves or their close associates. As a result, administrative acts issued under such conditions are deemed absolutely null, and failure to comply with the obligation to abstain entails legal liability for the individual concerned. Moreover, the law

requires that conflicts of interest be reported to the hierarchical superior, including in potential or indirect cases.

With regard to incompatibilities, the law clearly distinguishes between positions of public authority and private activities or other roles that may compromise the independence and objectivity of official duties. All categories of public authorities and dignitaries are targeted: members of parliament, government officials, prefects, sub-prefects, local and county councilors, mayors, deputy mayors, civil servants, and magistrates. Relevant examples include the prohibition against a senator or deputy holding managerial positions in commercial companies or autonomous administrations; a magistrate engaging in any paid activity other than teaching; or a local elected official being a significant shareholder in a company established by the council in which they serve. In all such cases, the law provides for strict sanctions and oversight mechanisms to prevent incompatible situations, treating them as direct threats to the integrity of public office (Parlamentul României, 2003).

Law No. 161/2003 has laid down a crucial institutional and legal framework for promoting transparency in the exercise of public office and reducing systemic vulnerabilities to corruption. The e-government provisions introduced a technological mechanism to reduce direct interactions between citizens and officials, thereby limiting the risk of favoritism and abuse. Likewise, the clear rules on conflicts of interest and incompatibilities have helped delineate spheres of influence and establish a standard of impartiality in administrative decision-making. Through these provisions, the law has set legal and institutional benchmarks that support the consolidation of public integrity and the accountability of officials in relation to the public interest (Parlamentul României, 2003).

Law No. 78/2000 represents the main normative instrument through which the Romanian legislature has achieved a systematic and coherent delineation of corruption offences, defining both the core criminal content and a range of related and assimilated offences designed to address indirect, sophisticated, or disguised means of securing undue benefits. In this respect, the law does not merely criminalize classical corrupt conduct, but builds an extended criminal framework adapted to the administrative, economic, and financial realities where public decision-making can be illegitimately influenced (Parlamentul României, 2000).

The core corruption offences include those established in the Criminal Code - namely, bribery, taking bribes, influence peddling, and

buying influence - and apply also to persons assimilated to public officials. Law No. 78/2000 does not redefine these crimes but integrates them within an aggravated sanctioning regime when committed by individuals holding positions of public authority, jurisdictional duties, or powers of oversight and sanction. This legislative choice reflects the recognition of the higher social danger posed by offences committed by institutional actors who, by virtue of their role, are expected to safeguard legality and fairness in the exercise of public power (Parlamentul României, 2000).

Beyond these classical offences, the law introduces a separate category of offences assimilated to corruption, targeting behaviors that do not directly involve the offering or receiving of benefits, but which divert public interest through seemingly legitimate economic or administrative mechanisms. These include, among others, the intentional undervaluation of assets subject to privatization or enforcement, the unlawful granting or use of public subsidies and loans, and the conduct of economic operations incompatible with the control, supervision, or restructuring role held over an economic operator. Through this expansion of the scope of incrimination, the legislator seeks to penalize not only the visible corrupt act, but also the fraudulent decision-making architecture that yields undue advantages under a façade of legality (Parlamentul României, 2000).

A notable innovation is the inclusion of offences against the financial interests of the European Union, by which Law No. 78/2000 goes beyond the national framework of integrity protection and integrates Romania's European commitments. The criminalization of the use of false documents, inaccurate declarations, or misappropriation of EU funds embodies a modern approach to corruption, treating damage to supranational public budgets with the same severity as harm to domestic financial interests. The increase in penalty thresholds for especially serious consequences and the criminalization of attempted offences confirm the law's orientation toward effective criminal prevention and firm deterrence of fraudulent conduct (Parlamentul României, 2000).

Overall, the definition of corruption offences and those assimilated thereto in Law No. 78/2000 reflects an extensive and functional understanding of corruption, treated not only as an individual deviation but as a systemic mechanism for distorting public decision-making and misappropriating collective resources. Through the variety of criminalized acts and their alignment with aggravated sanctioning regimes, the law establishes a coherent penal framework that supports anti-corruption policies by ensuring consistency across the normative,

institutional, and punitive dimensions of the fight against corruption (Parlamentul României, 2000).

Witness and Whistleblower Protection Mechanisms

An essential component of the anti-corruption institutional framework is the effective protection of witnesses who contribute, through decisive statements, to the uncovering and sanctioning of serious acts of corruption. Law No. 682/2002 on the protection of witnesses - republished in 2014 - establishes a special legal regime applicable to individuals whose life, physical integrity, or freedom is seriously threatened as a result of providing decisive information to judicial authorities. The legal framework covers not only witnesses in the strict sense but also other individuals without procedural standing who may play a key role in uncovering the truth in complex cases. Its scope of application includes, among others, corruption offences as regulated in the Criminal Code and in special legislation, which are considered serious crimes within the meaning of the law (Parlamentul României, 2014).

In order to provide a coherent institutional response to the risks faced by protected witnesses, the law establishes a Protection Program coordinated by the National Office for Witness Protection (Oficiul Național pentru Protecția Martorilor - O.N.P.M.), a specialized structure within the Ministry of Internal Affairs. This office is responsible for receiving proposals for inclusion in the program, developing and implementing protection protocols, appointing liaison officers, and drawing up personalized support schemes for each case. Inclusion in the program is conditional upon the cumulative fulfilment of strict requirements: the status of witness or close person, the existence of a real danger, and a motivated proposal from a competent judicial body. In addition, the procedure includes a detailed psychological and social assessment, as well as the written consent of the person concerned (Parlamentul României, 2014).

The protective measures provided under this mechanism are both gradual and cumulative, ranging from the protection of identity data and hearing the witness under a different identity to relocation, change of appearance, and even identity change. In parallel, the law also provides assistance measures for the social reintegration of witnesses, such as support in finding employment, professional retraining, or the provision of temporary income. In urgent situations, prior to the formal inclusion in the program, temporary protective measures may be applied by the police or prison administrations, depending on the context (Parlamentul României, 2014).

A distinct and essential dimension of the legal regime established by Law No. 682/2002 is the procedural benefit granted to witnesses who have themselves committed criminal offences but cooperate with the authorities in order to ensure the criminal liability of perpetrators of particularly serious acts. In this regard, Article 19 of the law provides a legal ground for the reduction of the sentence in favour of such persons, conditional upon the continuation of criminal proceedings in personam in the main case and the proven decisive nature of the statements provided. However, the case law of the High Court of Cassation and Justice limits the application of this benefit strictly to the specific case in which the denunciation was made, excluding the possibility of extension to other connected or concurrent files (Parlamentul României, 2014).

The protection of whistleblowers in Romania was significantly strengthened by the adoption of Law No. 361 of 16 December 2022 on the protection of whistleblowers in the public interest (Parlamentul României, 2022), which transposes Directive (EU) 2019/1937 into national law. The declared purpose of this law is to establish a coherent general framework for reporting breaches of the law, protecting persons who make such reports, and sanctioning retaliation. Whistleblower protection thus becomes an essential component of the national integrity mechanism, with direct implications for the transparent and lawful functioning of public and private entities.

The law establishes two official reporting channels: internal reporting, carried out through the institutions' own mechanisms, and external reporting, directed to competent public authorities. In both cases, emphasis is placed on ensuring whistleblower confidentiality and the accessibility of procedures. Internal reporting is mandatory for all public authorities and institutions, regardless of size, as well as for private legal entities with at least 50 employees. The law requires the designation of a person or specialized department to manage reports, acknowledge receipt within seven days, and inform the whistleblower, within three months, of the follow-up actions taken.

With regard to external reporting, the National Integrity Agency (ANI) is designated as the main competent authority. ANI has the legal obligation to register the report, acknowledge receipt within seven calendar days, and request relevant information or documents from the entities concerned, which must respond within a maximum of 15 working days. In addition, ANI has preventive and educational responsibilities: it organizes awareness activities and provides confidential counselling to individuals who intend to report, thus strengthening its role as a guarantor of public sector integrity.

A key element of the legal regime is the explicit prohibition of retaliation against whistleblowers. The law stipulates that any adverse measure - dismissal, demotion, salary reduction, harassment, discrimination, or unfavorable professional evaluation - taken in response to a good-faith report is prohibited and punishable. The whistleblower benefits from the presumption of good faith and is protected even if the report turns out to be inaccurate, provided there was a reasonable belief in the truth of the facts.

The law also introduces exoneration measures, stating that the whistleblower cannot be held liable for breaching confidentiality clauses or professional/commercial secrecy if the report was made in accordance with the law. Protection also extends to facilitators (persons supporting whistleblowers), as well as to third parties (colleagues, relatives, trade unions) exposed to the risk of retaliation.

The legal mechanism is complemented by the right of the whistleblower to challenge retaliatory measures in court, benefiting from a reversal of the burden of proof - the employer must prove that the measure taken was unrelated to the report. If retaliation is found, the court may order the annulment of the measure, reinstatement, compensation for damages, and the publication of the court ruling.

Finally, Law No. 361/2022 establishes a system of administrative sanctions applicable both to those who refuse to implement reporting channels and to those who breach confidentiality obligations or obstruct the legal procedure. Fines may be imposed, and manifestly unfounded reports are also punishable, in order to prevent abuse of rights and slanderous accusations.

Through all these provisions, Law No. 361 of 16 December 2022 on the protection of whistleblowers in the public interest (Parlamentul României, 2022) contributes to the creation of a robust framework of institutional integrity, in which whistleblowers become legitimate and protected actors in the fight against corruption, fraud, and other systemic breaches of the law. The role of ANI in this framework is essential, both in terms of effectively managing external reports and in promoting an organizational culture of transparency and protection of the public interest.

Risk and Integrity Incident Assessment

Within the consolidated framework of the National Anti-Corruption Strategy 2021–2025, adopted through Government Decision no. 1.269/2021, the assessment of risks and integrity incidents has become a mandatory normative and operational process for all central and local public institutions and authorities (Guvernul

României, 2021a). This approach reflects a shift from mere administrative recommendations to a coherent framework of institutional responsibility, based on the early identification of vulnerabilities, the proactive analysis of risks, and the systematic, transparent, and documented management of incidents.

The methodology promoted by this strategy is neither abstract nor generic; it entails clear stages, beginning with the commitment to an institutional integrity agenda, followed by the development and adoption of integrity plans, which are tailored to the specific characteristics of each organization. Every institution is required to identify activities vulnerable to integrity risks, adopt concrete prevention measures, designate a coordinator responsible for implementing the integrity plan, and appoint contact persons to provide operational support and ensure periodic monitoring of progress (Guvernul României, 2021a). These responsibilities must be formalized through internal administrative acts - orders, decisions, or directives - and reflected in the job descriptions of the individuals involved.

A key element of this methodology is the inclusion of corruption risk assessment and integrity incident analysis among the 13 mandatory preventive measures explicitly defined in Annex no. 3 of the Strategy (Guvernul României, 2021b). The assessment is not limited to a procedural formality but involves a functional analysis of processes, decision-making flows, control mechanisms, and relevant precedents in the institution's activity. The objective is to build a robust, adaptable, and scalable preventive architecture in which each institution can identify risks before they materialize and respond to incidents in an effective and responsible manner.

The standard methodology also ensures alignment with international best practices in public governance and anti-corruption, promoting a model based on anticipation, record-keeping, internal control, and managerial accountability. The interconnection of these processes with transparency standards (Annexes no. 4 and 5) and the mandatory publication of integrity plans and reports on institutional websites (Guvernul României, 2021b) is no coincidence. In this way, the assessment of risks and integrity incidents becomes a mechanism for building public trust, rather than merely an internal administrative tool.

To ensure that the process of assessing risks and incidents is effective, comparable, and subject to oversight, the National Anti-Corruption Strategy 2021–2025 introduces a set of evaluation and

performance indicators aimed at measuring both institutional proactivity and the quality of organizational integrity management (Guvernul României, 2021b). These indicators are defined in Annex no. 2 and are structured around objectives, actions, and associated risks, enabling centralized reporting and nationwide monitoring by the Ministry of Justice. Risk assessment is carried out by combining two core variables: the probability of occurrence and the potential impact. Probability is determined based on enabling factors, the absence of control mechanisms, the history of incidents, and the nature of the analyzed processes. Impact is evaluated in terms of potential consequences on institutional operations, public finances, organizational reputation, or beneficiaries' rights. This model allows for the classification of risks within a severity matrix and contributes to the prioritization of preventive measures based on actual exposure.

The results of this analysis must be recorded in a Corruption Risk Register - an essential internal document that forms an integral part of the integrity plan. The register must be periodically updated and should reflect, in a standardized format, each identified risk, its priority level, existing and planned control measures, as well as review deadlines. The register thus becomes an operational and managerial tool, not merely a document for archiving or formal reporting. In addition to the risk register, institutions are required to compile an Annual Report on Integrity Incidents, which must detail the identified issues, their typology (ethical violations, conflicts of interest, asset declaration omissions, corruption offenses, etc.), the positions involved, the affected departments, applied sanctions, and the preventive measures subsequently adopted. This report is published online, in accordance with the institutional transparency standards outlined in Annex no. 4, contributing to increased public trust in the administration's ability to address its own vulnerabilities (Guvernul României, 2021b).

Essentially, the Anti-Corruption Strategy does not treat these instruments as mere reporting obligations but integrates them into a dynamic system for integrity management. The indicators are used not only for retrospective performance assessment but also as reference points for future activity planning, staff training, and institutional policy enhancement. The correlation between risk evaluation, incident management, and the public transparency of data fosters an organizational culture based on prevention, professionalism, and genuine institutional accountability.

Systemic Causes and Theoretical Models of Corruption

Corruption is a complex phenomenon that cannot be explained by a single cause; it must be understood as the result of an interaction between ideological, normative, individual, and institutional factors. This holistic approach is supported by the specialized literature, which identifies a wide range of criminogenic factors, from distorted ideologies to internalized deviant behaviors and dysfunctional institutions (Nagâț, 2020). On the ideological level, certain political and philosophical currents have generated social structures that favor corruption. Totalitarian regimes, such as communism and fascism, promoted a centralized vision of state power and built opaque administrative apparatuses dominated by obedience and loyalty to the party, to the detriment of public accountability. Even modern ideologies, such as radical economic liberalism or forms of statist social democracy, can generate structural imbalances, allowing resource capture and the transformation of institutional mechanisms into tools for consolidating narrow interests (Nagâț, 2020).

Social and legal norms, although conceived to regulate individual and institutional behavior, can themselves become sources of corruption when they are formulated, applied, or interpreted abusively. Political elites may manipulate the normative framework to consolidate their positions, imposing a negative control over society through restrictive, arbitrary norms that are disconnected from the real needs of the population. This form of normative instrumentalization becomes fertile ground for the perpetuation of systemic corruption (Ghibanu et al., 2022).

At the level of individual behavior, there are personality traits and conduct disorders that favor involvement in corrupt acts: aggressiveness, egocentrism, emotional instability, or affective indifference. When such individuals gain access to positions of authority in the absence of institutional ethical filters, the risk of the emergence of informal networks of influence and the perpetuation of abusive practices increases significantly, affecting the decision-making integrity of the respective entity. Furthermore, antisocial groups - especially economic-financial organized crime - exploit institutional vulnerabilities to recruit corrupt officials, transforming the administration into a legitimizing environment for illicit interests (Nagâț, 2020).

In this context, institutions become not only victims but also vectors of corruption. The lack of control procedures, opacity in recruitment and promotion, non-transparent procurement, and the

absence of real sanctions generate a climate of impunity and clientelism. As a result, the entire administrative structure can be penetrated by corruption, affecting public policy decisions, resource allocation, and citizens' trust in the state (Ghibanu et al., 2022).

To understand the internal mechanisms of corruption, the specialized literature proposes various classifications and explanatory theories. One of the most influential is the economic theory of corruption, which addresses the phenomenon from the perspective of rational choice: an individual will commit a corrupt act if the expected benefit exceeds the anticipated cost. This view was formalized by Huther and Shah (2000) in an evaluative framework that considers corruption as the result of an imbalance between institutional incentives and the personal risks of the corrupt actor. Their proposed model identifies four strategic directions for intervention: reducing opportunities for corruption (through bureaucratic simplification and decentralization), diminishing potential benefits (by eliminating monopolies and increasing transparency), increasing the risk of punishment (by strengthening oversight and public participation), and increasing the severity of penalties (by clarifying legal regulations) (Huther & Shah, 2000).

Alongside this cost–benefit analysis, other explanatory frameworks place corruption in a broader organizational and cultural context. Thus, organizational culture theory emphasizes the role of the institutional environment in shaping corrupt behavior, while the "bad apple" theory attributes the phenomenon to individuals with deficient moral predispositions. More complex is the public choice theory, which views corruption as a rational behavior adopted in the absence of effective systems of control and accountability (Ghibanu et al., 2022).

Empirically, factors such as poor governance quality, lack of fiscal transparency, low administrative salaries, and limited civic education are correlated with high levels of corruption. Moreover, cumbersome fiscal organization and the lack of clear procedures for wealth or conflict-of-interest control create favorable conditions for deviant behaviors, especially in systems where public office is perceived as an opportunity to access rents or privileges (Ghibanu et al., 2022).

Beyond causal explanations and functional models, a series of recent studies draw attention to the political and ideological dimension of anti-corruption discourse, especially in the post-communist space. A remarkable analysis in this regard is provided by Bogdan Iancu (2021), who examines the instrumentalization of the corruption theme in Romania after 1989, focusing on the phenomenon called judicial

lustration. According to the author, this practice was not implemented immediately after the fall of the communist regime but was selectively reactivated in favorable contexts, being used to justify judicial reforms or to delegitimize political opponents. The author argues that in post-communist Romania, lustration did not function as an authentic mechanism of democratic transition but was repurposed semantically according to political circumstances, being used as a tactical instrument in the discourse on the rule of law and anti-corruption. For example, in the pre-accession period to the European Union, lustration was associated with judicial reform objectives and was used to accelerate the replacement of magistrate elites with younger generations deemed more compliant with Brussels' requirements (Iancu, 2021).

Conclusions

The examination of the normative framework and institutional instruments related to corruption prevention reveals that the success of public policies in this area does not depend solely on the existence of strategic documents or the implementation of formal procedures. Rather, it is contingent on the genuine institutional commitment and the consistency between planning and execution. The discourse on integrity must not remain confined to declarative intentions; instead, it must be reflected in tangible transformations within the organizational culture and administrative practices of public entities.

It is essential that the mechanisms for assessing integrity risks and incidents are not perceived as mere procedural obligations, but are genuinely embedded in the functional logic of institutions. Identifying vulnerable activities, adopting corrective measures, and systematically preventing misconduct require a continuous process of institutional self-reflection and a sustained effort to strengthen internal ethical standards. In the absence of such an approach, the risk of maintaining an organizational culture permissive of abusive behavior remains high, and the efforts to combat corruption are deprived of substance.

Furthermore, it is necessary to ensure a balance between the preventive and punitive dimensions of anti-corruption policies. Approaches based exclusively on coercion or bureaucratic formalism do not generate sustainable results. Integrity cannot be imposed from the top down without the effective participation of organizational members. The promotion of integrity requires education, leadership by example, and the presence of clear mechanisms for institutional accountability and response.

Ultimately, the effectiveness of an anti-corruption strategy decisively depends on the ability of public administration to translate general objectives into applicable operational instruments and to cultivate an organizational culture grounded in responsibility, transparency, and genuine ethical commitment. Only in this way can citizens' trust in institutions be strengthened and societal tolerance for corruption as a systemic practice be reduced.

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