

# The Effects of Administrative Corruption on Libyan Islamic Banks: Prospects and Challenges

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## ABSTRACT

The objective of the study is to determine the prospects and challenges related to combating administrative corruption among the Islamic banks in Libya. The research problem is the increasing widespread occurrence of administrative corruption among the Islamic banks in Libya, and the phenomenon involving employee's exploitation of position to gain financial and moral profitability, which adversely influence the banks. This study is significant as it sheds light on the challenges and problems in applying Islamic economies practices towards mitigating administrative corruption among Islamic banks in the country. The problems and challenges of combating administrative corruption in this context were described and analyzed using descriptive analysis and based on the findings, such application will resolve the corruption problem through solutions. As for the employee's exploitation of profession to profit and benefit from it, the Islamic economic components hold the key to resolving such issue, upon which policies and strategies applied in the Libyan Islamic banks, can be based on. Such solutions should be tested to make sure that optimum results are achieved. The study recommend that it should change strategies and impalement the law in Libyan banks to reduce the administrative corruption.

**Keywords:** Administrative corruption, Libyan Islamic Banks, challenges of Libyan Islamic Banks.

## Introduction

based on the report published by the Transparency and Corruption Perceptions Index, Libya obtained a ranking of 172 in 2020 (Transparency, 2020), evidencing the widespread corruption, and this report was confirmed by the Libyan Audit Bureau and the Administrative Control Authority, indicating that corruption has increased particularly among Libyan banking institutions. Indubitably, the administrative corruption phenomenon has increased in the developing nations as evidenced by its emergence in several institutions, including banking (Audit Bureau, 2020). This phenomenon can be traced back to history and is in fact the cause of the economic collapse in several countries, being that it is the most dangerous type of corruption and its widespread occurrence has led to negative effects on institutions (Administrative Control Authority, 2020).

Additionally, administrative corruption has other negative related phenomena, like job exploitation, which has its basis on the employee's achievement of material and moral benefits from the administration positions they hold (Shaaban, 2016). Related practices to the phenomenon are bribery, embezzlement, fraud and exploit the official position, which all have negative effects and assist in spreading administrative corruption in public and private institutions, particularly banking. In the context of Libyan banking institutions, the application of governance and transparency standards comes from the Central Bank, and banking institutions play a key role in the implementation of

rational oversight mechanisms that safeguard internal regulations to prevent job exploitation among employees. Recent experience of Libyan Islamic banks show that such phenomenon is present in Islamic banks, which were established less than a decade ago and thus, in addition, the Islamic banks in Libya also has to address administrative corruption. The banks came into being through the Libyan government's decision in 2013 and based on the above problem, this study focuses on the problems and challenges of Islamic economics mechanisms application and their effect on mitigating administrative corruption among Libyan Islamic banks.

## Problem Statement

The government of Libya and its Central Bank are exerting efforts towards controlling the Islamic banks performance based on the internal regulations but regardless of the employment of mechanisms to apply the Islamic economic foundations and components throughout the years since the Islamic banks inception in 2012, widespread administrative corruption still prevails in such institutions. This is characterized by the exploitation of the employees of their job positions through database access, where clients and businessmen can be profited from. The research problem has been notably mentioned in corruption reports concerning the Islamic banking institutions in the country. Although the Libyan Dar Al-Iftaa has issued Fatwa No. 2376 to combat and prohibit administrative corruption and bribery among official institutions employees, administrative corruption still exists, particularly in the banking institutions (Fatwa of the Libyan Dar Al Iftaa, 2015).

According to Sabri (2021), the Reuters report presented a statement made by the Director of the Jumhouria Bank, Misurata branch, Muhammad Al-Darini, that although the Libyan Central Bank has adjusted the rate of exchange, due to crises in the political level, corruption prevails in the Libyan banking institutions, and is the top reason for the distinction between the Central Bank of Benghazi and that in Tripoli, on top of which administrative corruption makes matters worse. According to the 2020 Report of the World Bank, Libyan banking sector is lacking the application of rational supervision of banking institutions despite the large investments made by the banks. The report highlighted the spread of corruption in the banks, which has significantly increased, while the political and security situation in the country has only added to the crisis (World Bank Report, 2020).

Moreover, the Transparency Index report of 2020 related that Libya has reached the pinnacle of administrative corruption among its institutions, which is why it fell in ranking to 172. Based on the report, there is extensive and widespread administrative corruption in Libyan institutions and that purchasing receivables and loyalties have become impossible indicating government neglect. Banking institutions were also found to suffer from employees' job exploitation, with the Corruption Perceptions Report evidencing employees earning profits from their job tasks and positions, enabling their unlawful and immoral obtaining of large sums of cash (Transparency, 2020).

Furthermore, based on the Libyan Audit Bureau report for the year 2017, there is increasing administrative corruption in Libyan government agencies as a result of which transparency is unheard of and none of the institutions heed the Central Bank of Libya's application of Islamic financing mechanisms and practices. This stems from the Central Bank's inability to control the mechanisms and practices, which worsened the financial and administrative corruption among Libyan Islamic Banks (Audit Bureau, 2017).

Also, the Administrative Control Authority 2016 highlighted the weaknesses in the tasks implementation in banks based on Article No. 9 and 10 of Law No. 2 of 2005, concerning the prevention and combating of money laundering. This leads to a weakened and mitigated ability of the bank to limit damages or steer clear of suspected corruption in the administration. Based on the report, there is ambiguity as to the policy of the bank concerning the mechanisms and the proposed solutions regulating liquidity, and this prevents the recovery of economic activity (Administrative Control Authority Report, 2016).

In a related study, Khalifa (2018) stressed on the problems faced by the Islamic banks in Libya, wherein which strategic planning is deteriorating and crises are rampant owing to widespread corruption, Also, Al-Ghazali (2018) revealed that such administrative corruption is also present in the Libyan Insurance firms, while Aringeb (2018) indicated that administrative corruption has permeated the entire Libyan governmental and private institutions. Evidently, Libyan commercial banks are no different, with their great financial and administrative corruption, characterized by bribery, theft, money laundering and illegal transfers.

Such administrative corruption has spread to the Libyan Audit Bureau, highlighting the worsening situation in the Libyan institutions (Al-Jahani, 2017). Libyan commercial banks refrain from applying rational supervision and there is lack of government intervention to limit corruption, which naturally leads to widespread corruption, particularly in Ajdabiya commercial banks (Saeed, 2016). Other banks like Al-Waha Islamic bank also suffer from administrative corruption as addressed in Shaaban's (2016) study, with rampant bribery, forgery and embezzlement of public officials. It is evident that Libyan Islamic banks do not adhere to the Islamic law of reformation, administrative conditions and other Islamic tenets, as a result of which the problem of administrative corruption has worsened. The banking services in the southern part of Libya show deterioration owing to the lack of oversight and government intervention, which again has led to widespread corruption among the institutions (Omran, 2015). Consequently, the research Questions of this study is what is the current status of administrative corruption in Libyan Islamic Banks?, and what are the prospects and challenges faced by Libyan Islamic Banks?. The research Objectives is to determine the current status of the administrative corruption in Libyan Islamic Banks. And also to determine the prospects and challenges faced by the Libyan Islamic Banks.

## Research Methodology

This study is significant owing to the presence of increased administrative corruption among the Islamic banks in Libya as evidenced by corruption perceptions reports highlighting the decreased transparency index in the country. The study provides policies that should be updated throughout time to achieve positive outcomes and resolve the administrative corruption issue in Libyan banking institutions. Such banks need re-consideration of the employed methods to prevent administrative corruption and this study attempts to determine related solutions for the problem. The study proceeds to present different administrative corruption types, the application mechanisms and practices used by Islamic economics on how address the issue and to develop policies to safeguard the Libyan Islamic banking institutions from corruption.

The study context comprises of the Islamic Waha Bank and the Libyan Republic Bank in Libya, with the reason for such context selection being that the banks best reflect the situation of administrative

corruption in the Libyan government banks and private banks. The study is limited to the study period from 2019 to 2022 in its identification of administrative corruption in Libyan Islamic banks, providing the chance to apply economic transactions and government intervention to reduce, if not eradicate the problem. With regards to the limitations in the study objectives, the focus is placed on the administrative corruption in Libyan Islamic banks to stress on the fight against such corruption and to mitigate its impact on the banks and society at large – these include the effect of bribery, embezzlement, forgery and employee exploitation of their positions.

this study identifies the strengths and weaknesses brought on by the phenomenon under study and compare between the two selected banks, all the while presenting procedures and policies in light of employee exploitation, bribery and forgery and their resolution. Libyan Islamic banks need to act in a timely manner to contain every crisis that arises. Conducting a comparison between the two chosen banks can clarify the level to which administrative corruption can be addressed and handled through methods and mechanisms of Islamic economics.

### **Historical Development of Libyan Islamic Banks**

In their daily activities, Islamic banks mimic conventional banks although there are differences in the provision of discipline in control in that the former follows the provisions of Islamic Shariah. In Libya, the Islamic banks were established following the decision involving the conversion of conventional banks into Islamic ones, issued by the Libyan National Congress. Islam is the central authority of the Shariah Supervisory, which was established by the Central Bank of Libya to overlook the entire activities of Libyan banks in light of legitimacy under Law No. 1 of 2005, which was later amended by Law No. 46 in 2013. This law mandated all economic activities to work with the Shariah Supervisory system and based on this decision, the entire Libyan Commercial Banks have established sub-committees to oversee work legitimacy among Islamic Commercial Banks (Shaaban, 2016). This was directed towards enhancing the service level in Libyan banks, whereby the Shariah Supervision in the Central Bank of Libya stated that its decisions are becoming binding on all banking institutions as the entire legitimate supervisory committees in commercial banks need to adhere to the decisions, having no conflicting regulations when it comes to reducing and eradicating corruption. It should be noted that the Libyan Audit Bureau has the same supervisory role but is distinct from that by the Administrative Control Authority and the Central Bank of Libya, the latter of which issues orders and instructions to the Libyan Islamic Commercial Banks. On the other hand, the Central Bank of Libya is the implementer of the decisions of the Council of Ministers following a debate on the law proposals for the Islamic banks in the country, followed by approval. Hence, by indicating that the multiple supervisory entities exercising control in Libya may prevent the smooth running of Islamic banks is erroneous. Several supervisory entities do supervisory work in general like the anti-regulatory body.

In Libya, financial and administrative corruption entity, a non-governmental body issues periodic reports on the financial institutions conditions in the country. There are also international reports that report on the banking institutions situation in Libya; for instance, the World Bank reports on the Central Bank of Libya and the Libyan Islamic Commercial banks and their ability or inability to employ Islamic economics mechanisms and principles from the time of conversion to the present time. They evaluate the banks experiences, present their strengths and weaknesses and provide transparent reporting, while credibly addressing the issues to enhance the banks capabilities.

## The Concept of Administrative Corruption

Several definitions have been provided for the administrative corruption concept in literature; to begin with, Al-Bakoush (2020) described it as unethical practices indicating lack of discipline and commitment to the institutions, while Shaaban (2016) referred to it as the behavior of one individual or a group of individuals representing a deviation from the commitment to the rules and regulations of the institution in a specific time period. Additionally, Azzouz (2016) described the concept as the individuals or group of individuals' abnormal behavior that leads to gaining benefits while violating the institutions' laws and regulations.

Despite the above definitions, the concept of administrative corruption still remains ambiguous and in this study, the researcher adopts the World Bank's definition is the abuse of public authority to gain private benefits from positions or to gain material/moral benefits for the employee or for his relative, in an act that violates the laws and regulations. Such definition is applicable to entire institutions (flexible) and it is concerned with administrative corruption that is present in all institutions (private). The concept of administrative corruption can take on several types like bribes acceptance, facilitating procedures to gain tender/favor from the parties, to leverage policies and loopholes in the regulations, to reap benefits by the appointment of relatives, to leave during working hours in an unofficial manner, etc. It refers to the administrative exploitation of high governmental officers by being with them and presenting them with special services to gain leadership positions.

## Types of Administrative Corruption

Administrative corruption, as mentioned, can take on different types like bribery by a public officer, exploitation of public office, and many other types detailed in the following paragraphs.

### 1. Bribery

Bribery by a public employee is among the top types of administrative corruption and is referred to as a sum of money provided to the employee holding a public position for the purpose of passing personal interests that violates the law (Al-Bakoush, 2020). From the top interests that a public employee is attracted to is the acceptance of bribery for the violation of tender terms, leniency in routine procedures, breach of public procedures or facilitation of services that violate the institutions' regulations and instructions. Bribery also covers neglect of procedural matters to bring about private interests.

### 2. Exploitation of Public Office

Public office exploitation involves benefitting from public position/office by achieving personal interests and benefits, exploiting influence through the position and by obtaining material/moral benefits (Al-Bakoush, 2020). There are several forms of public office exploitation (Azzouz, 2016), involving tenders and government practices to benefit from the deed or to achieve distinct economic benefits affecting the institution's public interests. Such tenders or practices are declared indicating that all firms enter bids and practices which are mostly known prior to the decision on which tender to accept. This emphasizes the role of the public employee in exploiting his position.

### 3. Embezzlement

Embezzlement refers to the facilitation of the public employee of obtaining funds by virtue of his position, where these are public or private funds, in safes or investment funds in banks, lending investment institutions or joint stock firms (Saadan, 2018). According to Al-Bakoush (2020), embezzlement is among the methods that result in financial losses, which could sometimes leave the institution vulnerable to risks as the allocated financial resources to projects and businesses may be wasted.

### 4. Counterfeiting

Forgery is the reversal of facts and the covering of the truth to achieve economic and financial interests through illegal ways and it has several ways, with the common of which is the forgery or counterfeiting of official papers. This is the most important administrative corruption types and it covers the forgery of certificates to obtain un-rightful leave and it encompasses several administrative aspects like the forgery of employee of workers' and employees' attendance, leaving books without notification of administration, and co-worker issuing signature on over time to receive unfair compensation.

The annual report of central Libyan Bank reveals the justification of administrative corruption in Libyan banks, in particular Libyan Republic Bank and Islamic Waha Bank. The report identified the sharply decreased on financial liquidity in Libyan Republic Bank as a normal result of the admirative corruption. Moreover, the application of Islamic finance is not implemented correctly in Islamic Waha Bank. It also negatively effects on spread widely of admirative corruption in the bank (The annual report of worldbank about review of financial sector in Libya, 2020).

## Discussion

### Reasons for Administrative Corruption

There are many reasons as to why administration corruption takes place with the top being political reasons, economic reasons, low oversight and others, and they are detailed as follows;

#### 1. Political Causes of Administrative Corruption

Political reasons are among the top causes of administrative corruption, with dictatorship (one-person rule) exposing the firm to looting, with the individuals supporting the rule or authority aiding in administrative corruption (Al-Shlawi, 2016). The political situation deterioration and the lack of democratic principles has facilitated the widespread occurrence of administrative corruption within institutions, prompting employees to adopt institutional tyranny and allowing the selection of sadistic administrative leaders and political tyranny, paving the way for weakened institutions and administrative corruption.

The annual report of international bank reveals that the political division in Libya led to the division of the Central Bank of Libya east and west (The annual report of world bank about review of financial sector in Libya, 2020).

## 2. Economic Reasons

Economic reasons has also been mentioned as one of the top reasons for the worsening of administrative corruption, as high living standards and low rate of currency exchange, leading employees to seek ways to cushion their earnings to provide their families with decent living (Ahmed, 2010). The decreased level of salaries and compensation has also urged employees to accept bribery in exchange for passing the citizens' and institutions interests for the interest of a few (Azzouz, 2016). According to Ahmed (2010), institutions differ within the state and some employees have access to higher material and administrative privileges than others, making many employees hate their jobs and their colleagues, and they turn to administrative corruption to be of higher status (Ahmed, 2010). Also, the individual's purchasing power and their inability to provide for their needs or for those of their families has directed them towards bribery acceptance to meet their budget deficit. The annual report of international bank reveals that The Central Bank in the East printed more than 45 million dinars without cash cover at the end of 2019 (The annual report of worldbank about review of financial sector in Libya, 2020).

## 3. Control

Institutions have harbored weak oversight paving the way for administrative corruption and grating the public employee with financial and administrative authority through their positions (Al-Bakoush, 2020). Ahmed (2010) also stated that the institutions' internal control has been deteriorating in the regulatory bodies with the rampant presence of administrative corruption and the Audit Bureau's lack of oversight. In other words, the administrative control entity/executive/legislative authority has had negative influence over the regulatory institutions' reputations. The annual report of international bank reveals that the abilities and capabilities of controlling still has been decreased. It also led to increase the level of risk on Libyan banks especially Libyan Republic Bank and Islamic Waha Bank 2019 (World bank, 2020).

## 4. Other Factors Leading to Administrative Corruption

The spread of administrative corruption in society has been aided by several factors (Al-Bakoush, 2020), with the top of which are the existence of new social variables, imposing themselves in light of low morals and the existence of partisanship and loyalties of some of the societal members. This has led to the idea of "wasita" and "nepotism" that has widened the gap between societal classes, making the employee dabble in administrative corruption to achieve a higher social situation. According to Azzouz (2016), in society, there is lack of just judiciary and it is riddled with corruption cases, worsening the corruption and making it normal – in the case of institutions, they lack organizational structure/policies that are binding and that define the responsibilities and functions that overlap, coupled with high level of ignorance and lack of media role in promoting awareness against administrative corruption have worsen the phenomenon and made it almost impossible to eradicate.

## Theories Supporting Administrative Corruption

According to Bourouh (2021), studies rely on theories to support their examined phenomenon and this holds true for administrative corruption in institutions. The relevant theories to this study are as follows;

## 1. Theory of Morality

This theory describes the ethical phenomenon, emerging through its introduction by Ronald Wright, one of the main scholars of ethical dimension theories. The theory stresses on the private interests priorities over individual interests and highlights deviant behaviors and actions whenever they take hold in the society – in business, it is akin to the fact that corrupt employees set prices for services that the public can obtain if they can pay for the price. This is particularly prevalent among white collar employees who are always complaining about the circumstances they are in, while the employers are unable to fire them as they hold the skill to identifying the administrative and technical gaps. This explains the entrenchment of employees in the Arab countries that are above the age of 60 and still working in government institutions based on their seeming field contributions (Musleh, 2000).

## 2. Constructivist Theory of Public Functions

The theory assumes that the growth and development of corruption stems from corrupt people in authority, as a result of which, bribery paves the way for the easiest mitigation of bureaucracy and red tape that usually takes longer period of time. Regardless of the negative effects of corruption on the economy and the political situation of the country, administrative corruption still managers to alleviate tension in many individuals as they obtain positive benefits (Giddens, 2001).

## 3. Functional Modernization Theory

In this theory, the assumption is such that corruption is merely a transitional stage; for instance, corruption in developing nations, like Arab nations has negative outcomes but they can be overcome, taking lessons from the European countries that have succeeded in controlling corruption compared to their developing counterparts. This was also manifested in the capitalist exploitation of political and economic considerations and circles expansion. Both the authority and politics of the government have led the way for capitalist classes to leverage benefits (both economic and financial) through fraud and embezzlement (e.g., forgery of property contracts to force public entities to sell their facilities for profitability. Corruption have many types, including employees working in public institutions exploiting their positions for profitability and this is done by relaying information to the capitalist classes to develop indebtedness, fraud and forgery (Giddens, 2001).

## Findings

Discussion of relevant theories and studies in literature leads to the following research objectives;

### 1. To determine the current status of administrative corruption in Libyan Islamic Banks.

The administrative corruption phenomenon is one of the top phenomena in developing nations, particularly the Arab region. Based on the Corruption Perception Index of 2018, administrative corruption is extensive in majority of the Arab nations, with the inclusion of Libya, ranking 10<sup>th</sup> among Arab nations, and 170 among the countries around the globe. The report has made no difference except that Islamic economy has been highlighted to mitigate it, being that the basis of Islamic economy and its foundations and assumptions are against the phenomenon (Ahmed, 2010).



Evidently, administrative corruption deteriorates the countries' economies, and as of late, global indicators showed that Arab countries have the most occurrences of such corruption although some of them possess natural resources that can be leveraged through good management, open opportunities for employment and eradicate corruption, unemployment while enhancing per capita income.

However, groups of individuals that have adapted to the phenomenon refuse to have things back to how they were, as a result of which the economic crisis has intensified among the affected countries. In the West, countries do not suffer from administrative corruption owing to their strict law application and the active premise of administrative commitment (Ahmed, 2010). Meanwhile, in developing nations like Libya, the phenomenon is exacerbated because of deteriorating political and economic climate and the lackluster policies and regulations applications. There is also lack of suitable penalties when the regulations are breached and this has adverse effects on the Libyan public institutions.

## 2. To determine the prospects and challenges of Libyan Islamic Banks.

The Libyan banking system establishment can be traced back to 1951 and it began operations in 1956, with one of the top functions being the maintenance of the entire money-related activities and banking supervision.

Nevertheless, in the present time, administrative corruption has become rampant bringing along with bribery, embezzlement, forgery and job exploitation, leading to lowering the institutions reputation and requiring radical solutions following the identification of their causes. Administrative corruption has permeated public institutions, particularly banking institutions and to this end, the Libyan Islamic banks can play a key role in managing the administrative corruption through the Islamic economy pillars that are built on honesty, fear of God, perfection in work, cooperation, and fulfillment of owners' rights, while steering clear of exploiting and profiting from the public positions.

In fact, the Islamic economy has had great contributions to the employee-workers job performance in the Islamic banks, facilitating the required employee training and benefiting from the tents through the application of Islamic finance. In other words, the foundations upon which the Islamic economy is built have highlighted the institutions' problems with the inclusion of public office exploitation for profitability – which is one of the top clear types of administrative corruption suffered among institutions. The exploitation of the employee of his/her position to obtain financial and moral gains is widespread in all institutions and not limited to banks.

## Recommendations

Based on the above discussion, this study lists the following recommendations;

1. The dangerous phenomenon of administrative corruption should be promoted in public to make the public aware of its level of impact on the individuals and the society as a whole, after which, their role in eradicating the phenomenon is outlined.
2. Regulations and legislation in anti-corruption systems should be established along with maximum penalties for the violators. Deterrent penalties should also be established for each corruption, to avoid their repetition, and it should be publicly announced to remind and to learn from.

3. A financial reward should be determined for those reporting corruption cases among Libyan banks.
4. A suitable job type for each societal category should be determined to enhance the individuals' living conditions, the society and the country at large. Added to this, employees' creativity has to be enhanced through promised rewards.
5. Dedicated committees in each department for administrative reform need to be ensured to oversee the actual situation in administrations and workers' behavior to nip corruption in its early stages.
6. The right employees needs to be at the right position, and in this regard, young, active leaders who are convinced of development and change, using qualifications, experience and competence need to be employed.
7. Government departments, schools, universities and audio-visual channels need to air and hold religious awareness seminars to remind the citizens on how they can assist in minimizing if not eradicating administrative corruption. Such seminars should include stories and lessons from past corruption cases and their outcomes.

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