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## **CORRUPTION IN COLOMBIA**

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#### Abstract

Corruption opens gaps in the management of the Administration, calling into question its efficiency and effectiveness; as it is a limiting factor in the public function, it makes it dysfunctional and ineffective when it comes to solving public problems. The purpose of this article is to address corruption in Colombia from the economic and social perspective; its methodology is descriptive, as it sought to refer to the characteristics of corruption in order to understand this phenomenon and its persistence, as well as to determine its possible causes and effects. It was then concluded that corruption has a potential impact on the political agenda, the public administration, society in general and on the deontology of the public servant, from the responsibility he/she exercises before society in the satisfaction of its needs.

**Key words:** corruption, transparency, public resources, legitimacy.

#### Resumen

La corrupción abre brechas en la gestión de la administración, colocando en entredicho su eficiencia y su efectividad, por ser un limitante en la función pública y la convierte en disfuncional e ineficaz a la hora de darle solución a la problemática en este sector. Es por ello que consideramos abordar la corrupción en Colombia desde la perspectiva económica y social; abordada desde una metodología descriptiva, buscando describir las características de la corrupción para así comprenderla como fenómeno y su persistencia, además de determinar sus posibles causas y efectos. Se concluyó entonces, que la corrupción tiene impacto tanto en la agenda política, como la Administración Pública, la sociedad en general y en la deontología del servidor público, desde la responsabilidad que ejerce ante la sociedad en la satisfacción de sus necesidades.

**Palabras clave:** corrupción, transparencia, recursos públicos, legitimidad.

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## INTRODUCTION

Corruption is a social and economic manifestation because it occurs in human relationships, and in turn is promoted in favor of the interests of two or more individuals, where at least one of these is a public official (Zuleta, 2015).

According to the United Nations (UN), corruption directly intervenes in economic growth, violating principles such as transparency and legitimacy, and hindering administrations (Organización de las Naciones Unidas, s.f.).

Now, corruption in some cultures is persecuted more than in others, so much so that for some corruption is so ingrained that it is considered something natural, this is because values can vary according to the culture of the people (Klitgaard, 1994, as cited in Villamil, 2017, p. 14). The phenomenon of corruption has transcended generations and even periods of government. According to Villamil (2017) it is an anomaly that occurs in society, that is transformed, that changes, that grows in deterioration of values, morality and a stable politics and economy (p.17).

Due to the above, the question arises, what have been the economic and social implications that corruption has generated in Colombia and its impact on the Public Administration in recent years?

To answer this question, a descriptive methodology was chosen about the characteristics of corruption, in order to understand it as a phenomenon and its persistence, in addition to deter-

mining its possible causes and effects. This is how, below, the background and a theoretical approach to corruption in Colombia will be presented, with the purpose of understanding this phenomenon, given its persistence over time and its relationship with ethics and social responsibility.

## Background

Corruption is understood by Transparency International (2013) as the detriment of the collective interest, hence it is attributed to the public sector, since it is in charge of seeking the social good. Because it is affected by criminal acts, it becomes dysfunctional and ineffective when managing public problems.

According to the United Nations, corruption occurs worldwide and its effects harm the economic growth of countries, especially developing countries (Wielandt & Artigas, 2007, p. 33).

Now, in the course of the history of Colombia, corruption has manifested itself in different ways, one of the ways in which it has been most noticed is in democracy, hence Ungar (2010) calls it, "the cancer of democracy" this is because it affects the democratic system directly. In addition to this, the economy is affected by the abuses of power in the exercise of its misuse to "obtain economic benefit or of another nature".

Thus, time has also revealed how corruption has gradually taken control of public processes since the beginning of the 20th century, with

the purchase of officials, appropriation of assets and public spending, appointment of jobs, favoritism, among others. An example of this was the way of proceeding and the bribery of Colombian officials to achieve the separation of the country from Panama in 1903, which caused an important geopolitical impact for Colombia. This type of act, even though it happened in the middle of the century in question, denotes the abuse of power since time ago and that today has become common, or also called "The daily bread" (Restrepo et al., 2006 , p. 3).

In 2013, the Corruption Perception Index (IPC) provides information about corruption in the public sector, issuing a statement explaining that even though Colombia has an Anti-Corruption Statute, new mechanisms have been introduced in contravention of this phenomenon, and the advances that the State has had are unable to counteract some of these acts that end in impunity (Transparency International, 2013).

In recent years, it is estimated that the index of the perception of corruption has been progressive, placing Colombia below the regional average, which is 50 points, which is evidenced in the Transparency International report where Colombia has 36 points (International Transparency, 2013).

Now, with reference to the public procurement system, the Colombian State has established schemes and requirements for access to public tenders, one of them is the SECOP (Electronic Public Procurement System), however, there are cases in which denote limitations in access

to information, the same that are evidenced in favoritism towards public officials, limitation in registration times, problems in uploading and processing requirements, non-publication of results, which implies the lack of transparency in the processes. This occurs despite the fact that it is established in Law 1712 of 2014 - article 3, in relation to the principle of transparency, that all information is of a public nature, and it is where the subjects are obliged to provide it, excluding that constitutional and lawful.

However, as previously mentioned, despite the fact that in Colombia there have been laws since previous times that prohibit acts of corruption and promote transparency, such as the Law in question, in many cases justice is applied to some and not to others. , thus truncating the exercise of the right of the people, for which the cases of impunity increase more and more; Thus, as long as justice is not delivered for those who commit these criminal acts and damage continues to be generated at an economic and social level, the perception of corruption will not change (Transparency International, 2013).

Corruption is a scourge that subjects society, and changes its way of thinking, calling into question the ethical principles that citizens possess and which are instilled from the family. This is how the officials of public entities, in their duty, ensure that they maintain the legitimacy of the institutions through their actions; according to Aguilar (2000) they are in charge of promoting citizen action, promoting morality and public ethics (Zuleta, 2015, p.11).

In addition to the above, the institutional weakness in the public function is another triggering factor to incur in criminal acts that impact the competitiveness of the entities, bringing with it a lack of commitment and professional responsibility, failure to meet goals, promotion of the detriment of the treasury, inadequate policies, abuse of functions and dissatisfaction of social needs.

Thus, the constitution of the Comptroller General of the Republic, the Attorney General's Office and the Attorney General's Office were carried out to counteract corruption in the country. It is necessary to emphasize that, as previously stated, the existence of these control entities does not guarantee the country that there is no corruption, in this regard reference is made to what was stated by Newman & Ángel (2017):

According to the Attorney General's Office, 3,966 cases of corruption were registered, among which are bribery for giving or offering, omission of the withholding agent, embezzlement by appropriation and extortion. While the Attorney General's Office imposed 6,163 disciplinary sanctions (Valencia, 2020, p.182).

## **Corruption: concept and theoretical approaches**

It is understood that the origin of corruption does not start from a few years ago, but has been recognized since remote or distant times, for which it is important to quote what was expressed by the philosopher Niccolò Machiavelli:

The eternal dissatisfaction of the human being, propitiate acts of corruption, like this; in the public function they are the individual act of a particular moral predisposition, therefore, in the face of bribery (bribery), honesty is fragile (Beltrán, 2015, p. 77).

In fact, there is no exact date that indicates when corruption was born, since some of these acts do not become public. However, different classical and contemporary academics and theorists have shared some approaches, such as Weber (1979) who bases the beginnings of corruption on biblical episodes, where he relates original sin as an introduction of violence to ethics, as a means to confront sin and sacrileges that endangered the soul (cited in Villamil, 2017, p. 20). The foregoing is a clear sign that corruption is not a phenomenon of today and that it does not distinguish contexts.

With reference to the above, suffice as an example, what is explained by the Royal Spanish Academy (RAE) who affirms that organizations, especially those of public origin, take corruption as a practice consisting of the improper or illegal use of functions of those for the benefit of their managers, (2014) that is, the term does not allude to something benign for the economy and society, since it implies something arbitrary.

Thus, it should be emphasized that corruption has been approached from perspectives that are not very distant, since they all agree that this

phenomenon is nothing more than the abuse of power and the search for benefits that go beyond the common good. The contributions of some authors who define the term are listed below:

Rose-Ackerman (2006, cited in Cetina, 2016) mentions a type of corruption that he calls opportunistic, which is nothing more than when a public servant makes use of the norm to expedite procedures in exchange for monetary remuneration, weakening the system and diverting the purposes of the State and public policies, and, therefore, limiting others' access to goods and services.

For its part, the World Bank states that corruption can be understood as excess of functions while holding a public position to obtain private benefits, and that it involves behaviors ranging from bribery to the diversion of public resources, it also warns that it affects mostly to structurally weak countries (World Bank, 2020). For Galli (1996, as cited in Estévez, 2005, p.5), corruption alters material or moral reality, while Vito (1995, as cited in Begovic, 2006, p. 2) affirms that impartiality is intentionally violated.

Now, the most concise concept of corruption is given by Transparency International, where it highlights that this is nothing more than "the abuse of power for personal gain" (2009, p. 18) and classifies it into three: large-scale corruption, petty corruption and political corruption, the first has to do with acts of corruption that occur at high levels of government, the second is related to bribery, where money, charges or some type

of incentive is offered with the purpose of committing some illegal act and the third is related to the manipulation of policies, norms, institutions, budgets, even financing of political campaigns, in order to stay in power (International Transparency, 2009).

Likewise, the renowned American jurist Klitgaard (1994) cites the work on bribery "*Bribes: The Intellectual History of a Moral Idea*" by John T. Noonan, where he demonstrates that corruption is an ethical complication that transcends history, becoming a problem of seniority immersed in governments. In relation to this appreciation, Weber (1979) considers that corruption is born in political parties due to their interests and bad administrative practices that guide them to capture more votes.

For his part, Galán (2013) also points out that it is in democratic societies where corruption is really perceived as a problem, since political activity can be controlled. Opposite case to dictatorships, where these criminal cases of political activity are unknown by public opinion (Galán, 2013, as cited in Villamil, 2017, p. 21).

Another point of view to underline is the concept issued by the CONPES 167 document, which defines corruption as a recurring manifestation that gains strength and is fueled by its causes and effects, including opportunism, impunity, conformism social, among others, which has an impact on public actors mostly and on the management of public goods (DNP, 2013, p. 18).

Based on the foregoing, it can be said that in Colombia corruption is the behavior that causes the most economic and social damage to the country, passing through the control agencies and the high courts, where the situation should be stopped, but they are condescending to the perpetrators of public property, being aware that corruption has a high cost. Although corruption has been included in the country's political agenda for a couple of decades, this is a phenomenon that has remained rooted in the state apparatus, it could be said that it is born, grows, reproduces, but never dies, and is precisely because there are weak norms and institutions, where the will to attack it is minimal, furthermore, such a phenomenon cannot be attacked by those who feed it.

## Corruption today

53 % of the inhabitants of Latin America and the Caribbean consider that corruption has increased in their countries in the last year, while 16 % think the opposite; the most alarming percentages occur in countries such as Venezuela, the Dominican Republic and Peru, where their inhabitants think that corruption has increased by 87 %, 66 % and 65 %, respectively. In countries like Colombia, 96 % of citizens consider that corruption represents a serious problem. In the case of Venezuela, Guatemala, Panamá and Peru, as expected, 90 % of its inhabitants say they do not trust their government, courts and police (Vrushy & Pring, 2019). It is evident that Colombia is a country marked by corruption, which, although it has a quite rigorous and

complete anti-corruption statute (Law 1474 of 2011), is not applied with the same rigor that was projected.

According to the Global Competitiveness Index of the World Economic Forum (2015-2016), Colombia is one of the corrupt countries that ranked 126th out of a total of 140 countries (Robledo, 2014, p. 3); In addition, this indicator groups three other aspects in which the country is not in a very good position, such aspects are: political trust, diversion of public funds and irregular payments and bribes. The Auditor General of the Republic, Dr. Felipe Cardona, stated that there are 17,000 processes of fiscal responsibility, worth 19 billion pesos and that the recovery of these resources belonging to the public sector reaches only 0.07%, added to this The Comptroller's Office indicates that 72% of the contracts entered into with royalty resources only had one interested bidder (Robledo, 2014).

"Corruption has the State against the wall" (International Transparency, 2019, p. 1) this alludes to the fact that the Corruption Perception Index 2018, registered that Colombia falls from 37 to 36 points out of 100, and is positioned in 99 after being in position 96, among 180 countries analyzed. Based on these results, the country closes the 2018 index with a stagnation, because it is going backwards, reaching the levels of perception that were in the year 2012 (International Transparency, 2019, p. 7) so it is It suggests that the government aim for structural changes, that it consistently apply



its statutes, that the control agencies exercise controls based on the Law and that criminal responsibility be imposed on those who deserve it (Transparency International, 2019).

The levels of corruption give rise to concern, but what is most alarming is that most of the cases are public knowledge with legal proceedings under way, but the administrators of justice are slow to issue a ruling or, failing that, do not pronounce themselves before it due to interests far removed from enforcing the law or for political favors, although this behavior cannot be generalized, its prevalence is quite significant.

The 2019 CPI shows that, of the 180 countries analyzed, a large part made little effort to work towards reducing corruption levels. This report gives a rating from 0 to 100 points on the perception of corruption in the countries; In the case of Colombia, this obtained 37 points, positioning the country below the regional average, which is 48 points (Transparency International, 2020).

For the year 2020, Colombia has a score of 39, which, although it has improved, is still below the regional average, standing at 50 points. Therefore, it is important to mention that corruption not only weakens the ability to response at the global level, but it generates a continuous risk in democracy (Transparency International, 2021, p. 4).

Now, the CPI<sup>1</sup> of the following year corresponding to 2021, Colombia registered a score of 39 out of 100 points<sup>2</sup>, ranking 87th, within the 180 countries evaluated, which again reveals the stagnation of the country in its indices, remaining for below the average, between 36 and 39 points for a decade (Transparency International, 2021).

It is worth mentioning that the levels of corruption in Colombia are high and worrying in accordance with the results evidenced by the IPC of Transparency International, hence the location in which it is found within the 180 countries evaluated.

Corruption in Colombia is constantly increasing, which leads to a loss of trust in the institutions and those who are part of them, questioning the actions of the servers or what is worse, the anti-corruption policies that show not to be effective, and that also truncate the growth and socioeconomic development of the country. The prevalence of drug trafficking has also greatly affected the form of social ascent, permeating society in general, that is, the political and economic sectors, among others.

Returning to Klitgaard (1994) who affirms that corruption in some cultures is considered something natural and is basically what has happened in Colombia, which has become a

<sup>1</sup> The Corruption Perceptions Index measures the manifestations of corruption in the public sector: bribery, embezzlement, personal gain, the ability of governments to prevent corruption in the public sector, excessive bureaucracy, nepotism in appointments, legislation in favor of transparency, legal protection of whistleblowers, capture of the State by private interests, access to information.

<sup>2</sup> A score of 100 indicates clean of corruption, 0 levels of rampant corruption.



permissive society, taking an overflowing step towards the improper conclusion of contracts, the allocation charges for political favors and the diversion of public resources, these three are undoubtedly the main focus of the problem, examples of which are: the 8000 process<sup>3</sup>, the Foncolpuertos scandal<sup>4</sup>, the parapolitics<sup>5</sup>, the false positives<sup>6</sup> scandal, the Agro Income scandal Seguro<sup>7</sup>, Interbolsa<sup>8</sup> scandal, DIAN corruption scandal<sup>9</sup>, among many other scandals that put the transparency of public entities between said and that would deserve years of writing to relate them all, since it should be noted that process 8000 occurred in 1995 and they have 25 years have passed and the corruption does not stop. It is clearly a problem of the State, created and sheltered by it, since if an institution is corrupt it is because the laws and statutes are designed in such a way that this occurs, in colloquial terms “made the Law, made the trap”.

In contrast, worldwide anti-corruption movements managed to express their discontent through protests and complaints to the media against governments that do not fight to attack such a phenomenon that haunts them. The foregoing is a clear sign that citizens have lost confidence in their rulers, since they are exhausted from the constant fraud and bribery that exists between political leaders and institutions, limiting access and enjoyment of basic public services. Hence, hard work be-

tween countries is necessary, where the pillar is to strengthen control systems and guarantee greater participation in decision-making and thus greatly reduce corruption rates (Transparency International, 2020).

Now, returning to the Colombian context, corruption then prevents social responsibility, because it compromises the work of public servants, due to the lack of deontological codes in the public function, this causes loss of legitimacy in state institutions, every time that the objective of the Public Administration is to meet, or face the demands of citizens with quality service, with efficiency, effectiveness and transparency, in accordance with the principles of the administrative function, which are established in article 209 of the Political Constitution.

To this extent, the internalization of professional *practice* in the public administrator makes the service provided to citizens more effective and efficient, promoting development and generating social responsibility. The non-pertinent and lack of morality of the public servant, promotes that the public positions are degraded, at the same time that they lose credibility.

On the other hand, inefficiency strengthens acts of corruption, According to Rosero (2018), it decreases the good provision of services, encouraging fraudulent transactions for the be-

<sup>3</sup> During the government period of former President Ernesto Samper, where congressmen, candidates and ministers were sentenced.

<sup>4</sup> Where public employees were convicted of fraud in the liquidated state company “Puertos de Colombia”.

<sup>5</sup> Political corruption and links with paramilitaries after their demobilization.

<sup>6</sup> False positives.

<sup>7</sup> Fraud in the implementation of programs for low-income peasant families in Magdalena and Valle del Cauca.

<sup>8</sup> Diversion of money by the Interbolsa board.

<sup>9</sup> Corruption in the Directorate of Taxes and Customs – DIAN.

nefit of officials in exchange for the provision of good service. This is how the insolvency in the institutions and the lack of efficiency on the part of the control and planning systems make it difficult to reduce these crimes (p.48).

Another aspect to take into account in Colombia is that as a result of the pandemic the panorama of corruption worsens, where there is more concern about it than about COVID-19, because wanting to solve situations related to pandemic, such as support for the health system, companies and micro-enterprises, improving protection and isolation measures, aid to the vulnerable population, adjustments to hospital locations; they bring with them a weakening of the internal control and transparency of the contracting system, thus promoting the so-called “disaster formula”, which results in a sophisticated corruption scheme, equal to fraud and corruption (Guzmán, nd).

However, even in times of pandemic, the fight against corruption must be maintained, supporting transparency efforts, as well as trying to strengthen them, no matter how difficult it may seem, through accountability and other actions that maintain a firm stance against acts of corruption in the country.

However, during the course of the pandemic, Colombia experienced a series of hirings in the territorial sphere, which “cost it the suspension of leaders in half the country. Spreading the disease, which oppressed the country before CO-

VID-19 arrived” (Gutiérrez, 2020). In this sense, it should be noted that the pandemic brought corruption alerts to Colombia, since, due to the weakening of democracy, the risks increased as controls were relaxed (López, 2020).

In summary, Colombia has maintained its levels of corruption, while the CPI for the year 2020 shows that Colombia has not advanced in these levels, since, being below 50 points, it is considered to have a high level of corruption. , which is why it is important to note that Colombia, since 2012, has remained between 36 and 39 points (press release 001 – 2021).

Due to the above, there is a stagnation in the country in terms of the fight against corruption, since it has become so common that it prevents the real understanding of the problem, and therefore the use of tools or mechanisms that allow it to be counteracted.

## Discussion

From the results presented in this article, it is inferred that corruption in Colombia has become one of the biggest structural problems that affect the country's institutions, economy and politics, bringing with it distrust in society, a fact that it implies the denaturation of the social rule of law, evidencing poor management of public resources, deteriorating economic development and providing poor quality services, calling into question the ethics in the praxis of public servants.

These results are related to what Velásquez (2009) maintains, mentioning that the most recurrent criminal behaviors in officials are the mismanagement of resources for their own benefit (p. 37).

The author also explains that the behaviors of public servants are related to the capacities and skills with which they as a political authority have to satisfy basic needs, that is, it depends on them to carry out good public management that complies with levels of efficiency, effectiveness and governance.

On the other hand, Rosero (2018, p. 65) affirms that acts of corruption have penetrated culture, politics, the social and economic sphere, which is consistent with what is stated in this article. This implies the deterioration of the credibility of Colombian justice and a progressive vicious circle to the detriment of the State.

In accordance with this article, the authors Pérez Bernardes de Mora and Da Silva Torrecillas, in their work *Corruption in the public function* (2008-2012), compare the perception of corruption in administrative tasks in the period 2008-2012, providing the following:

- 1) this phenomenon is more frequent where there is democratic weakness;
- 2) governance indicators affect corruption,
- 3) this phenomenon is denoted where there is poverty and inequality (Pérez & Da Silvia, 2015).

## CONCLUSIONS

As time progresses, corruption has taken on more force, since it is currently evident how corruption has bled the state coffers, as well as directly harming society through public management, which is affected by the acts of corruption product of what to do of the public servant that must be based on the principles and ethical norms.

But beyond these ethical principles, as Soto (2003) states, corruption generates a cost from an economic perspective, since the decisions made by each of the officials, unrelated to what they should be, bring direct consequences to the community "static and dynamic negative externalities" (p. 41).

To this extent, the decisions that are made by these officials have given rise to corruption, a fact that, as Zuleta (2015) expresses, makes it a "subculture" within organizations, coming from the social environment on which the organization is based. ethics (p. 9).

From the previous concept, it can be deduced that corruption is immersed in the behavior of individuals, if they are not disciplined in good habits, their way of acting will have an impact on daily activities, which is reflected in the different areas of the surrounding environment; This is how corruption is part of social science, as well as a vicious circle that does not allow societies to transcend, and that is more pronounced in developing countries.

According to a press summary of Transparency International (2013), “the poorest countries are those that suffer the yoke of corruption” (p. 2), so that these countries, among which is Colombia, is of the utmost importance. strengthen the judicial system, so that criminal acts do not go unpunished, because to the extent that the exercise of justice is achieved, a higher level of trust in citizens is acquired.

This is how corruption also becomes an obstacle to development, because it addresses a series of dimensions that make it more complex, which is why Alcaide (2015) expresses that its conceptualization is based on a diversity of perspectives, both disciplinary and professional. , while it is found in different spheres or institutional settings in which it manifests itself.

In accordance with the above, it was concluded that corruption is immeasurable, the costs in its wake are incalculable, these are overwhelmingly high, cause economic, social, political, cultural damage, deteriorating the quality of life in society and causing detriment to the social rule of law. The political task must go in favor of the public interest and not particular, leaving aside patronage, the improper management of resources, favoring the welfare of the citizenry in general.

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