

“What Role can the Legislature Play in the fight against Corruption?”

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ABSTRACT

This research has two goals: to investigate India legal system for combating corruption and to propose reforms to lessen corruption in the political system. It is hoped that if the suggestions outlined in this report are put into practice, the public sector would become more effective and efficient. This is due to the fact that many empirical studies and theoretical policy discussions have connected corruption to a number of accountability failures that result in socio-economic and political pathologies, particularly poverty and underdevelopment. Based on this prognosis, transparency and accountability are recommended as remedies for political corruption and developmental failures. The argument is that accountability is a path to empowerment in terms of both answerability and enforceability of public duty-bearers to provide information and justification about their actions, and penalties for accountability defaulting, and above all, a means of repairing the "leaky pipes" of corruption and inefficiency. The argument is framed in the context of development. Consequently, more efficiently directing government resources towards development programmes that focus on results. In other words, the fight against corruption was elevated to the status of a key component of the "effective state" and a movement for good governance, even though the latter was not based on democratic values. In order to combat the scourge of corruption, a number of anti-graft programmes that include both preventive and punitive measures have been put into place. These programmes are based on the realization that corruption is not, inherently, a crime until it is expressly forbidden and made punishable by law. The essay is divided into a number of sections. The literature review on corruption, the theoretical framework of analysis, the legislative foundation for anti-corruption, and the necessity for government accountability come right after the introduction. The analysis use an exploratory case technique to provide a historical overview of the Nigerian anti-corruption agencies in order to achieve the study's objectives. In conclusion, the study offers some suggestions for improving public sector accountability.

INTRODUCTION

At least as long as when organized society first formed public institutions for its preservation and advancement, corruption is likely to be as old as organized society. One thinker who addresses it extensively is Aristotle. The likelihood of corruption has undoubtedly grown in today's complex society, where the public sector plays a significant role. It's likely that corruption has grown, but it's also possible that society's tools for spotting it have improved. Because we find more evidence of the phenomena, we can believe that our society are more corrupt. In any case, it is crucial that we root out corruption wherever it exists, both for our nations' overall morality and for the social, economic, and political growth of those

communities. Additionally, it is essential for the continuous cooperation and prosperity of Europe since without it, international confidence would deteriorate, and with it, investment and other relationships.

Due to the aforementioned factors, the Committee on Economic Affairs and Development of the Council of Europe's Parliamentary Assembly and the World Bank, through its World Bank Institute, collaborated to host a conference in Riga, the capital of Latvia, on the topic of "The Role of Parliaments in Fighting Corruption." The conference was a huge success since it brought together numerous politicians from Latvia and other Council of Europe member states in addition to members of the Parliamentary Assembly (and in particular, members of the Economic committee's Sub-Committee on International Economic Relations). There were also a lot of representatives from the corporate world, the media, the diplomatic corps, international organizations, and government professionals from the legal and other sectors, in addition to many other groups. They all deserve our gratitude, as do our wonderful hosts.

This report's goal is to draw the attention of the Parliamentary Assembly as a whole to some of the most significant findings from the Riga Conference. The conference's proceedings, however, have been made available separately (AS/Ec (1999) 12). Since some readers could take issue with the description provided or wonder why some countries have been singled out while others have been left out, we have refrained from discussing the circumstances in specific nations. Instead, our report takes a prospective stance. The Rapporteurs also like to express their gratitude to the Committee on Economic Affairs and Development members for their insightful comments.

At the opening of the conference, Mr. Juris Sinka, Chairman of the Latvian delegation to the Parliamentary Assembly of the Council of Europe, reminded us that corruption can never be eliminated but can only be contained because it arises from human nature's inherent selfishness and desire for material gain. The Chairperson of the Parliamentary Assembly's Committee on Economic Affairs and Development, Mrs. Helle Degn, also emphasized the necessity for us lawmakers to take the lead in this fight. In order for citizens to have trust in us and through us in democracy, we must first set an example via our own behavior. Second, via the laws we enact, which address institutions, laws, and policies across the board, not just corruption directly. Only a complete separation of powers between the legislative, executive, and judicial branches, as well as an independent press that is free to "dig about," can effectively combat corruption.

Two questions in particular are raised by the state of corruption in Europe and the rest of the globe today. First, consider if corruption is always present when public office is used for personal benefit. Your Rapporteurs believe it does because democracy itself and public confidence in those in power would suffer if they are not acting solely in the interests of society. Is corruption ever "useful" in the sense of advancing development? is the second query. Again, the Rapporteurs do not think this will ever be the case since social trust among different economic players, including the general public, is essential to economic progress. Citizens may conduct their daily activities in a society free of corruption knowing that they

are advancing the common good, whether via economic activity, support for the arts and culture, care for the old, or education of the next generation. But when there isn't any such trust, everyone starts to be wary. The honest desire to improve one's situation is replaced with egotism and greed.

GOVERNANCE AND PARLIAMENTS

Bribery, extortion, selling one's influence, nepotism, fraud, "fast money" (to be defined below), plain old theft, and embezzlement are just a few examples of corruption in action. What is regarded as corruption in one nation could not be in another. However, definitions of corruption and the punishments planned for their many manifestations will need to come together under the strain of globalization. Corruption can take the form of receiving kickbacks or bribes in exchange for contracts, "buying" judges or tax inspectors, or disobeying the law. Outright theft, the misuse of public resources, or protection from revelation, which allows for the demand of favours from the person protected, are all examples of theft. Or it could involve the sale of influence, like when political parties or election campaigns are funded.

Some analysts think that some forms of corruption may actually boost productivity and economic growth in nations with onerous rules, such as, for example, some transitional nations. They contend that if a nation's leadership or parliament has decided on a particular policy path, corruption may under some circumstances allow for the adoption of an alternative and better route. The claim that corruption is a required lubricant for the squeaky machinery of an inactive administration is related to this one. Corrupt authorities may purposefully cause administrative delays in order to persuade the impatient victims to pay money to get things done faster (hence, "speed money").

These defenses, however, fall short. Corruption used to change official policy would cause widespread uncertainty and "schizophrenia" in government procedures. If corruption is seen to be essential to speed up the bureaucracy, this results in resource waste, favoritism, and a bureaucracy that is becoming ever more sluggish. One solution is to cut down on red tape as much as possible to prevent the corrupt from inventing justifications for delays, and to make whatever red tape is there as transparent as feasible. Parliamentary democracy and government were referred to be the "only bulwark against anarchy, arbitrariness, and authoritarianism" by one of your rapporteurs. He continued by asking participants how laws, institutions, and monitoring should be strengthened in light of this. The institutional link between the state and society is provided by parliaments. They bear the primary responsibility for guaranteeing the openness, accountability, and transparency of governmental institutions.

Corruption spreads easily. Once an official takes their first bribe, they probably won't be able to turn down any more for fear that the corrupters will find out about their first. The official in issue will eventually come to view corruption as commonplace and something that other people also do. Increased hunger follows material success. Some people might dispute the overzealousness with which some nations punish even what appear to be minor offences.

However, many participants at the Riga meeting believed that low-level corruption, which is frequently related to officials' insufficient pay, was equally as destructive as high-level corruption and should thus be combated. The state may lose some degree of control, authority, and legitimacy when minor offences begin to permeate the system and go unpunished because its population starts to lose respect for the law.

CAUSES, REACTIONS, AND SOLUTIONS

Corruption involves both parties. A public official has the right to accept, request, or demand remuneration. Alternatively, a private agent might pledge to break the law for their own gain or to strengthen their company's standing in the market in exchange for money. Therefore, corruption is frequently a symptom of issues at the point where the public and private sectors converge. It is frequently a symptom of flaws in the political, social, legal, or financial system. According to World Bank studies, the failure of public institutions and unsuccessful policies are directly related to the growth of corruption. The Riga conference demonstrated that corruption generally seems to thrive in weak state institutions, policy or regulatory gaps, and environments where institutions that act as watchdogs, such as the judiciary, parliament, or civil society, particularly the press, are marginalized or themselves are victims of corruption. Although corruption is more likely to happen when the public and private spheres meet, its causes are also closely related to a nation's administration, socioeconomic conditions, and political and legal growth. The capacity of citizens to create groups for the sake of public information and press freedom, as well as the strength of civil freedoms, appear to be directly correlated with the ability to prevent corruption. It may be claimed that corruption varies inversely with the degree of civil freedoms. In other words, there will be less potential for corruption the more established civil society is, and the more citizens can influence the government and have their opinions heard.

In the same vein, a government won't be as motivated to change without civil rights. The tragedy of the communist system was the harsh suppression of civil society, as it appears in autonomous associations, in certain countries for close to fifty years and in others for much longer. Building civil society back up is exceedingly challenging when it has been destroyed. The organization of the political, electoral, and economic processes is also quite significant. Numerous rules, licenses, monopolies, and fees can serve as a breeding environment for corruption. In many cases, legalizing an activity that is now illegal or severely restricted may be the easiest approach to combat corruption, provided that doing so is feasible from other social perspectives. The funding of political parties and election campaigns also requires public oversight and just laws.

THE IMPACT OF PARLIAMENTS

This presentation has demonstrated that corruption is a complex issue that cannot be resolved by a single approach. It will need ongoing political resolve to prevail in this protracted, even endless, war. Before the rot spreads to the whole political elite and the public sector, the endeavor must begin as soon as possible. Otherwise, the corrupted parties will work together to maintain the current situation. Therefore, according to many corruption experts, reform

incentives must be provided first. The diagnosis of corrupt systems should involve as many individuals as feasible. Punishing a few serious offenders could be a good place to start. Political commitment at the highest levels is necessary for the battle against corruption to be successful. High-level steering groups made up of representatives from the executive, judicial, civil society, business, and industry can guarantee a comprehensive response to the issue. Working groups on how to strengthen financial control and transparency can help with this project. The media and civic society must be informed of information gleaned from this process as much as feasible.

Analysis of the root causes of corruption should lead to the development of anti-corruption strategies. The focus should be on early detection and prevention. Important methods include "vulnerability assessments" and routine or unexpected inspections of public and private entities. Parliaments should use judicial inquiries to carry out their oversight duties. The ranks of parliaments themselves must be involved in exposing corrupt networks. It is essential for legislators to exercise self-control and self-criticism.

SUMMARY REMARKS

Our goal in writing this study was to demonstrate that the battle against corruption is ongoing and never-ending. It needs a thorough strategy with strong parliamentary backing. The main components of this process are self-examination and parliamentary example. Parliaments need to be a model of honesty. It is necessary to hold the government responsible for all of its operations, including the use of tax dollars and the labor of employees. Additionally, they should support their respective governments' ratification of recently established international standards, particularly the Council of Europe Conventions against corruption and money laundering, as well as their active participation in multilateral monitoring organizations like GRECO and assistance and institution-building initiatives like Octopus.

National parliaments must act if they discover that their government is not participating in the various international fora where corruption is discussed, especially if this inactivity shows up as a refusal to accept international commitments or contribute to the creation of mechanisms for international cooperation.

Since it is the institution in which the people have invested their authority as citizens, a parliament is, or at the very least ought to be, the main institution of power in a democracy. As a result, parliaments' participation in the fight against corruption is crucial. Parliaments must combat corruption by the laws they create and by monitoring the conduct of lawmakers, government employees, judges, members of the public service at all levels—national, regional, and local—and, increasingly, businesses. Increased usage of the hearing system, which the media must have access to, is another strategy. Important players in the process include the legislature, the executive branch, the judicial system, the media, civil society, and the business world. Although both the public and commercial sectors are affected by corruption, the former has to be addressed first. The legislature has a responsibility to enact laws that will limit unchecked governmental authority. Parliaments must also endeavor to strengthen the laws governing the funding of political parties and election campaigns,

develop standards for handling conflicts of interest, and create codes of conduct for elected officials. This world is not perfect and never will be. All we can do is work to prevent corruption on an hourly, daily, and annual basis as long as human beings are what they are and we recognize our faults as much as we take pleasure in our strengths. Every generation must fight for its freedom as well as against corruption, which threatens the fundamental basis of that freedom. Parliamentary democracy is the only system that has a possibility of defeating corruption, as we have seen in many nations, but it is not a guarantee against it. This study and the Riga Conference both have that as their core meaning.

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