Corruption and Its Impact on Society: Recognizing the Role of Whistleblowing

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ABSTRACT

Corruption has become a social phenomenon causing various societal problems such as maladministration, poverty, inefficiency, crimes, and limited access to education and healthcare, among several others. It can also exacerbate social inequalities and contribute to the rise of organized crime and violence. The effects of corruption can be seen in the administrative set-up, thus leading to citizen's increase in mistrust towards government officials and departments.

This study explores the impacts of corruption on various aspects of society, particularly young people and discusses efforts on anti-corruption. Addressing the above-referred challenges, the importance of transparency, accountability, and citizen participation in anti-corruption efforts is highlighted. Furthermore, the confidentiality measures to encourage reporting of maladministration and corruption have been highlighted, and a draft policy framework has been put forward.

Keywords: Confidentiality, Corruption, Crime, Draft policy, Maladministration, Whistleblowing

1. INTRODUCTION

Corruption can also undermine the rule of law,[1] erode public trust[2] in government, and create a sense of impunity among criminals. When people see that corrupt officials and institutions are not held accountable for their actions, they may be tempted to engage in criminal behaviour. This practice can contribute to the rise of crime and promote the culture of gangsters in several ways. When officials and institutions are corrupt, they may pay no heed to criminal activity or even actively facilitate it. This can create a permissive environment for criminal elements to thrive and can lead to an increase in criminal activity.[3]

The phenomenon is not a recent one. A thinker, Dante stated bribers deserved to be in the deepest parts of hell.[4] In addition, this practice can contribute to economic inequality and social unrest, creating conditions ripe for the rise of criminal gangs. When people are marginalized and excluded from mainstream society, they may turn to illegal activity for survival or empowerment.[5] Addressing corruption is vital in creating a safer, more just society.[6]

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[1] Corruption and human rights, OHCHR, https://www.ohchr.org/en/good-governance/corruption-and-human-rights (last visited Feb 10, 2023).

[2] Preventing corruption | IBAC, https://www.ibac.vic.gov.au/preventing-corruption (last visited Feb 10, 2023).

[3] Corruption, https://www.interpol.int/Crimes/Corruption (last visited Feb 12, 2023).

[4] Tanzi, V. (1998). Corruption Around the World: Causes, Consequences, Scope, and Cures. *IMF Working Paper*, *WP/98/63*, 4. https://www.imf.org/external/pubs/ft/wp/wp9863.pdf (last visited Aug 8, 2023).

[5] Mark Findlay, *The Globalisation of Crime*, 71 AQ: AUSTRALIAN QUARTERLY 23 (1999).

[6] Fisman, R., & Miguel, E. (2008). *Economic Gangsters: Corruption, Violence, and the Poverty of Nations* (1st ed., pp. 186-206). Princeton University Press. https://www.jstor.org/stable/j.ctt7s5tw (last visited Feb 25, 2023).

The Oxford Dictionary defines Corruption as dishonest or illegal behaviour, especially by people in authority.[7] The use of public office for private gain formed part of the definition used by the World Bank in 1997. The Organization for Economic Co-operation and Development (OECD) states corruption as the abuse of a public or private office for personal gain.[8]

It is vital to understand the distinction of people involved in corrupt practices. Participation in corrupt practices can be due to various reasons - *"in some cases of bribery, the bribe-giver is a willing, proactive party who seeks undue advantage. But in other settings, particularly those where corruption is systemic, people may have no choice but to pay a bribe to access public services that they are rightfully due, like health or education."[9]* It synchronises an illegitimate nexus that strangles upon weak socio-political systems. Extraordinary discretion and weak governance promote corruption, which subsequently enriches conflict situations. Some terms that indicate the most common categories of corruption are bribery, embezzlement, facilitation payment, fraud, collusion, extortion, patronage, clientelism and nepotism.[10]

2. CORRUPTION: A STIMULANT FOR OTHER CRIMES
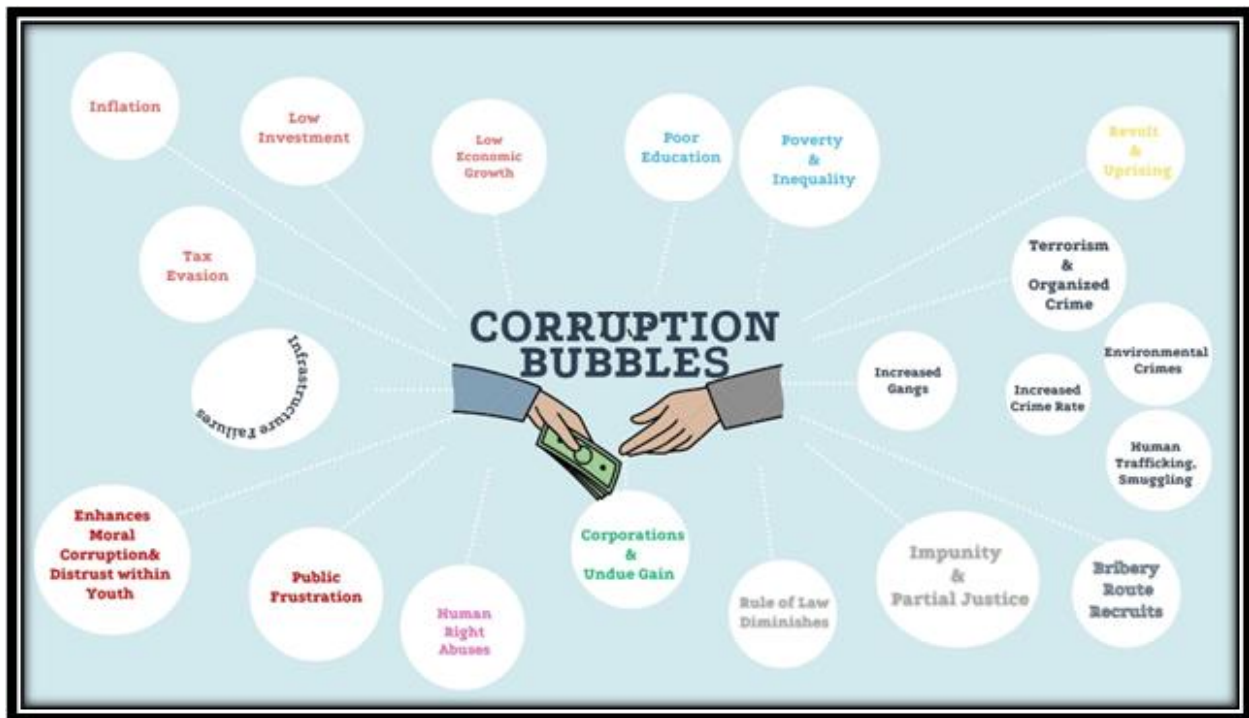
The rising levels of corruption have been linked to the growth of drug trafficking and money laundering, which has contributed to the rise of organized crime and terrorist groups.[11] The nexus between politicians,

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[7] Oxford Advanced American Dictionary at OxfordLearnersDictionaries.com, https://www.oxfordlearnersdictionaries.com/definition/american_english/corruption (last visited Feb 20, 2023).

[8] Anti-Corruption_Module_1_What_Is_Corruption_and_Why_Should_We_Care.pdf, https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption_Module_1_What_Is_Corruption_and_Why_Should_We_Care.pdf (last visited Mar 25, 2023).

[9] U4 Anti-Corruption Resource Centre, U4 ANTI-CORRUPTION RESOURCE CENTRE, https://www.u4.no (last visited Mar 19, 2023).

[10] Why corruption matters: understanding causes, effects and how to address them. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/406346/corruption-evidence-paper-why-corruption-matters.pdf (last visited Sep 20, 2023).

[11] Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT) - Topics, https://www.imf.org/external/np/leg/amlcft/eng/aml1.htm (last visited Sep 01, 2023).

police, and criminals in many parts of the world has contributed to the rise of criminal gangs.[12] Politicians have been known to use criminals as enforcers during elections, providing them protection and support in exchange for their loyalty.[13]

In many places across the globe, mafia bosses have been known to bribe politicians and public officials to gain influence and protection.[14] The officials have been known to take bribes from criminal groups in exchange for protection and leverage, allowing these groups to gain power and control over some regions of the country. It creates a permissive environment for criminal gangs to operate human trafficking and the illegal ivory trade.[15]

The cartels have been known to bribe police officers and politicians to protect their operations and gain immunity from prosecution. The embezzlement of funds meant for security and development leaves many communities vulnerable to attack.[16] The rise of organized crime syndicates promotes substantial growth of multiple gangs (including gang rivalry), drug cartels and illegal arms trade, which further adds to violent crime incidents, including murder, robbery, dacoity, and human trafficking, among many other offences.[17]

The rise of cybercrime, including online scams and identity theft, is one of the biggest threats as the world is shifting immensely to modern Information and Communication Technology (ICT).[18] The rise of illegal logging and other forms of environmental crime has led to significant ecological damage and loss of biodiversity.[19] The acceptance of bribery by corrupt officials promotes the growth of extremist groups and terrorism. Furthermore, it acts as a booster dose, allowing them (terrorist and extremist groups) to operate with impunity. These examples demonstrate the wide-ranging impact of corruption on public safety and security in different parts of the world. Addressing this practice is crucial to promoting the rule of law, protecting human rights, and creating a more just and equitable society locally and globally.[20]

2.1 Corruption: An Obstacle to Sustainable Development Goals:[21]

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[12] Burcher, C. U. (2017). Assessing the Threat of Nexus Between Organized Crime and Democratic Politics: Mapping the Factors. *International Relations and Diplomacy*, *5*(1), 1-19. https://doi.org/10.17265/2328-2134/2017.01.001 (last visited Jun 13, 2023).

[13] Madan Lal Sharma, *ORGANISED CRIME IN INDIA: PROBLEMS & PERSPECTIVES*, https://unafei.or.jp/publications/pdf/RS_No54/No54_10VE_Sharma.pdf. (last visited Apr 22, 2023).

[14] Edgardo Buscaglia, *Controlling Organized Crime and Corruption in the Public Sector*, (2006), https://papers.ssrn.com/abstract=931046 (last visited Aug 05, 2023).

[15] U. N. Environment, *The Rise of Environmental Crime: A Growing Threat to Natural Resources Peace, Development and Security*, UNEP - UN ENVIRONMENT PROGRAMME (2017), http://www.unep.org/resources/report/rise-environmental-crime-growing-threat-natural-resources-peace-development-and (last visited Mar 19, 2023).

[16] The White House, *Memorandum on Establishing the Fight Against Corruption as a Core United States National Security Interest*, THE WHITE HOUSE (2021), https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/03/memorandum-on-establishing-the-fight-against-corruption-as-a-core-united-states-national-security-interest/ (last visited Mar 17, 2023).

[17] Arms trafficking and organized crime, GLOBAL INITIATIVE, https://globalinitiative.net/analysis/arms-trafficking-and-organized-crime/ (last visited Sep 20, 2023).

[18] Chen, S., Hao, M., Ding, F. *et al.* Exploring the global geography of cybercrime and its driving forces. Humanities and Social Sciences Communications, https://www.nature.com/articles/s41599-023-01560-x#citeas (last visited Sep 14, 2023).

[19] Financial Crime Academy Editorial, *Impacts Of Environmental Crimes*, (2023), https://financialcrimeacademy.org/impacts-of-environmental-crimes/ (last visited Sep 24, 2023).

[20] Matthew Simpson, *Terrorism and Corruption: Alternatives for Goal Attainment Within Political Opportunity Structures*, 44 (2) INTERNATIONAL JOURNAL OF SOCIOLOGY 87 - 104 (2014). http://www.jstor.org/stable/43301234.(last visited Apr 22, 2023).

[21] Katharina.Kiener-manu, *Anti-Corruption Module 1 Appendix*, //www.unodc.org (last visited Mar 11, 2023).

Sustainable Development Goals (SDGs)	Co-relational Effects of Corruption
1. No poverty	People experiencing poverty lose much of their income to bribery and extortion.
2. Zero hunger	Impedes investment and development, famine and malnourishment.
3. Good health and well-being	Access to health facilities (even free) is based on willingness to pay bribes - embezzlement of medicines.
4. Quality education	Illicit "registration fees" or "maintenance fees" for access to "free" public education. Hiring teachers with political connections and bribery.
5. Gender equality	Women are disproportionately victims of sextortion.
6. Clean water and sanitation	Corporate or other lobby bribe lawmakers to write pollution-friendly laws. The unsafe disposal of chemicals and hazardous waste by bribing officials.
7. Affordable and clean energy	Oil and coal lobbies
8. Decent work and economic growth	Facilitates money-laundering
9. Industry innovation and infrastructure	Conflicts of interest (Kickbacks) lead government to subsidize the wrong industries and undertake unnecessary infrastructure projects.
10. Reduced inequalities	Vicious circle between this practice and inequality: fewer equal societies are more corrupt, and more corruption causes more imbalance.
11. Sustainable Cities and Communities	Bribery by the petroleum and coal industries undermines programmes to promote clean energy.
12. Responsible Consumption and Production	Guarantees monopolies where competition would promote more responsible production.
13. Climate action	Allows firms and individuals to pollute over legal limits.
14. Life below water	Overfishing, destruction of habitat, and dumping chemicals into the sea.
15. Life on land	Habitat destruction by dumping of chemicals.
16. Peace, Justice, and Strong Institutions	Undermines justice systems and the legitimacy of government, fuels organized crime, terrorism, and allows human rights violations.
17. Partnerships for the Goals	Countries must combat this practice to promote integrity and good governance.

The issue of confidentiality measures for reporting maladministration and corruption in organizations, departments and other institutions can be a grey area and is often ignored. Whistleblowers who report maladministration or corruption in universities and other sectors may face various risks and challenges, such as retaliation, intimidation, or even job loss[22]. Therefore, providing confidentiality measures for whistleblowers is crucial for protecting them from these risks[23] and encouraging them to report any wrongdoing they witness.[24]

The United Nations Convention against Corruption (UNCAC) is a comprehensive international legal framework that provides guidance and tools to combat corruption in all its forms. It sets out specific measures to prevent and criminalize this practice, promote international cooperation, and recover stolen assets.[25] India signed in 2005 and ratified the UNCAC on 9 May 2011, which is now legally binding. Consequently, the Indian government has aligned its domestic laws with the UNCAC and has made progress in implementing some of its provisions.[26] Overall, while the WBP Act provides some protections for whistleblowers, there is room for improvement in aligning Indian legislation with the full range of requirements in the UNCAC.

In India, the legal framework for whistleblowers is primarily governed by the Whistleblower Protection Act, 2014 (WBP Act),[27] which aims to provide a mechanism to protect whistleblowers from victimization and to establish a mechanism to receive complaints about corruption or willful misuse of power or discretion. The Act implements UNCAC by protecting whistleblowers and their families against retaliation for reporting corruption. However, the WBP Act does not fully cover all of the provisions of the UNCAC. For example, the UNCAC requires states to criminalize various forms of corruption and bribery, including the bribery of foreign public officials and the embezzlement of public funds.[28] While Indian law does provide for penalties for multiple forms of this practice, there are still some gaps in the coverage of the UNCAC.

3. EMPIRICAL STUDY

To understand the importance of whistleblowing, a pilot survey was conducted. The effects, if any, of a confidential and open setup were studied under a closed environment. This method was chosen primarily to avoid external factors' effect on maintaining data integrity. The empirical component of data collection was conducted in three phases, which are as follows:

Phase 1: The **first part of Stage 1 - Part A**, comprised of a survey question shared with respondents of a closed group. The methodology used was sharing a question without any confidential setup, which may be called an open setup. The response of participants was visible to other members as well. The researcher had access to the respondent's identities, responses provided and those who did not respond.

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[22] G20 Anti-Corruption Action Plan 48972967.pdf, https://www.oecd.org/corruption/48972967.pdf (last visited Sep 09, 2023).

[23] AssociationProgressiveCommunications.pdf, https://www.ohchr.org/sites/default/files/Documents/Issues/Opinion/Protection/AssociationProgressiveCommunications.pdf (last visited Sep 10, 2023).

[24] Santa Clara University, *Encouraging Internal Whistleblowing in Organizations*, https://www.scu.edu/ethics/focus-areas/business-ethics/resources/encouraging-internal-whistleblowing/ (last visited Sep 10, 2023).

[25] Ch_XVIII_14p.pdf, https://treaties.un.org/doc/Treaties/2003/12/20031209%2002-50%20PM/Ch_XVIII_14p.pdf (last visited Jul 25, 2023).

[26] India: Government ratifies two UN Conventions related to transnational organized crime and corruption, https://www.unodc.org/southasia/en/frontpage/2011/may/indian-govt-ratifies-two-un-conventions.html (last visited Jul 27, 2023).

[27] The Whistle Blowers Protection Act, 2014, https://lddashboard.legislative.gov.in/sites/default/files/A2014-17.pdf (last visited Sep 01, 2023).

[28] International Anti-Corruption Framework, https://www.cvc.gov.in/sites/default/files/M5C1.pdf (last visited Sep 17, 2023).

The **second part of Stage 1 - Part B**, comprised a survey question (same question) shared within the same closed group but under an utterly confidential setup.

Stage 2: During this phase, the survey question was shared with respondents of a closed group (new group). The methodology used was a confidential setup. The participants of the group and the responses or answers given were not visible to other members.

Stage 3: This was an additional phase wherein survey question was shared with respondents in a confidential setup. There was no closed group this time, but open question sharing was allowed. However, due to two ethical questions, namely, the diversity of responses and participants known to the researcher, which was likely to influence the total number of active participants. Therefore, the results of this phase were excluded in finalizing results; refer to ***NA** (Not applicable). This exclusion did not affect the nature and objective of the present research.

TOTAL PHASES	UNIVERSE	METHODOLOGY
Stage 1 (PART A)	Closed Group N = 72 Members	No Confidentiality or Open Setup
(PART B)		Confidential Setup
Stage 2	Closed Group N = 67 Members	Confidential Setup
Stage 3	**NA***	Confidential Setup

The survey consisted of only a single question, which is provided below:

If adequate measures of confidentiality in anti-corruption (whistle-blower) communication existed. How likely were you to report something?
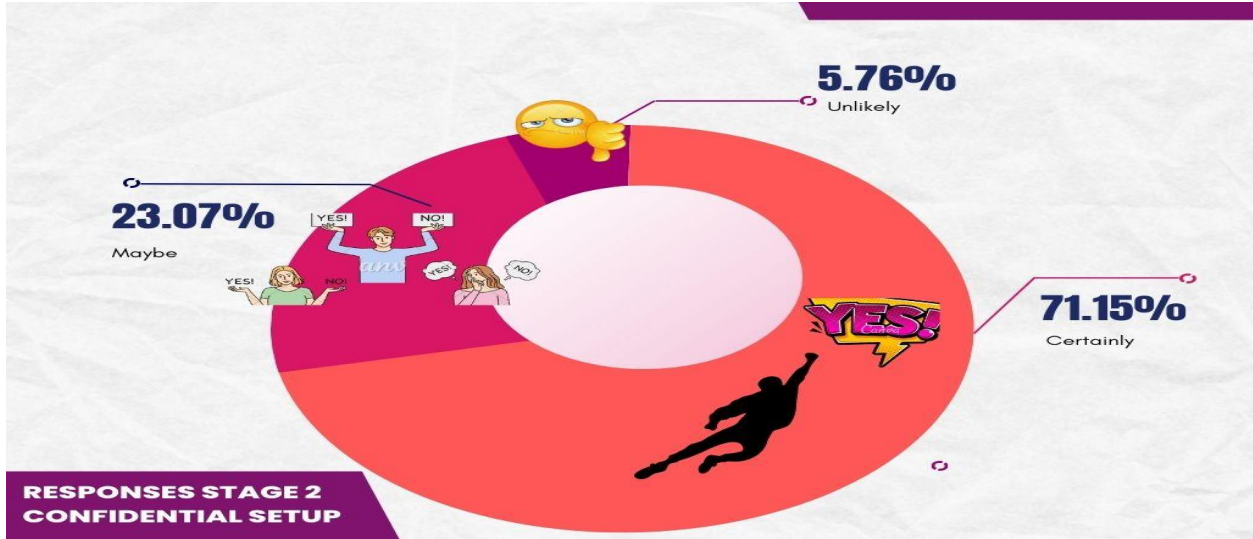
The data set representation of Respondents for Phase 1, Part A
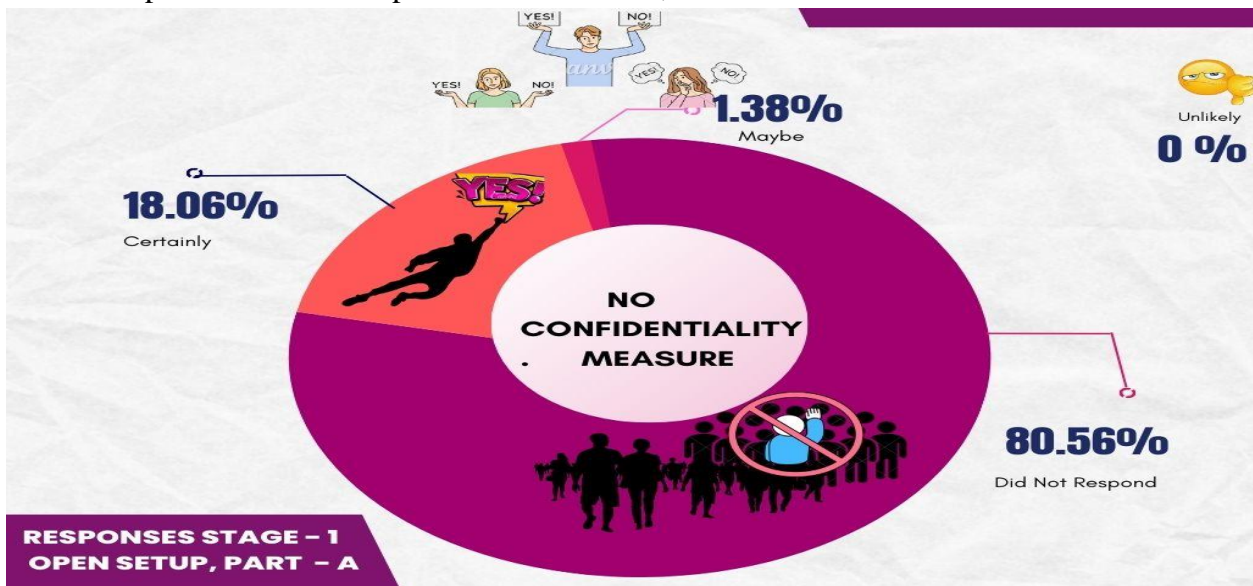
In this phase, the **total number of members** within a closed group (universe of study) was **72**. The number of **respondents who chose to answer** by selecting any one of the given options was **14** (out of which **13** answered by choosing the response **Certainly**, **1** person decided to answer by using **Maybe)**. It was **58 persons** who **chose not to answer** the question (dormant participants or indirect participants). No person responded with Unlikely.

During Part B of Stage 1, the same question was again shared in the same group but now in a confidential setup. This time, 3 new responses were received.

The data set representation of Respondents for Phase 2

In this phase, the **total number of members** within a closed group (universe of study) was **67**. The number of **respondents who chose to answer** by selecting any one of the given options was **52** (out of which **37** answered by selecting the response **Certainly**, **12** respondents chose to answer by using **Maybe).** It was **15 persons chose not to answer** the question (dormant participants or indirect participants). Those who responded with **Unlikely** were **3**.

Comparative Results:

SUMMARY OF DATA STAGE - 1		SUMMARY OF DATA STAGE - 2	
PART - A			
Total Members	72	Total Members	67
Certainly	13	Certainly	37
Maybe	1	Maybe	12
Unlikely	0	Unlikely	3
Did not respond	58	Did not respond	15
PART - B			
New Responses	3		

4. SUGGESTIONS & CONCLUSION

As discussed previously, the empirical research data clearly indicates how confidentiality in communication can increase active participation. Especially if the nature of information is such it may cause fear of harm or retaliation. However, if privacy and confidentiality measures are maintained, and a system of trust is developed, Corruption and corrupt persons can be challenged and significantly restricted. This means that the concerned stakeholders need to move beyond International and Municipal provisions by implementing whistleblowing policies even at lower levels. Since most legislations and international instruments across the globe fail to mandate and address this issue. The need is to have a mandatory setup for tackling corruption. For example, there are committees for anti-ragging and sexual harassment

prevention, but anti-corruption committees or similar measures are significantly less heard of, if not wholly.

In organizations and departments, confidentiality measures for whistleblowers could include anonymous reporting mechanisms, such as hotlines or online platforms, that allow whistleblowers to report maladministration or corruption without disclosing their identity. Additionally, organizations/departments/institutions/universities/schools could implement policies and procedures that ensure the confidentiality of whistleblower reports and protect whistleblowers from retaliation.[29]

In summary, confidentiality measures for reporting maladministration and corruption in organizations/departments/institutions/universities/schools are essential to protect whistleblowers and encourage them to report any wrongdoing they witness. While there are laws and regulations in some countries that provide such protections, universities and schools can also take proactive steps to ensure that whistleblowers are supported and protected when reporting maladministration or corruption. Since tackling corruption requires active public participation and reporting, it would be wise to implement it in schools to promote a bottom-up approach. This way, whistleblowing can become an inherent part of the lives of children, and gradually, it can become a uniform practice when they grow up.[30]

To tackle the menace of corruption, a draft policy has been outlined, which can be used by organizations/departments/institutions/universities/schools, etc., to provide a safe and secure environment for reporting maladministration and corruption while ensuring that whistleblowers are protected and supported throughout the process. This can help prevent potential revolts or violent actions that may arise due to the failure of a corrupt or inefficient system to address wrongdoings.

Draft Policy for Reporting Maladministration and Corruption in Universities (an example): [31]
1. **Purpose and Scope** - This policy establishes guidelines for reporting maladministration and corruption. It applies to all employees, students, and contractors of the university.
2. **Reporting Mechanisms** - The university shall establish anonymous reporting mechanisms, such as hotlines or online platforms, to enable individuals to report any maladministration or corruption they witness. The reporting mechanisms shall be widely publicised and easily accessible to all individuals associated with the university.
1. **Protection of Whistleblowers -** The university shall protect whistleblowers from retaliation, intimidation, or any adverse actions for reporting maladministration or corruption. The university shall ensure that whistleblowers are supported throughout the reporting process, and their confidentiality shall be protected to the fullest extent possible. Any retaliation against whistleblowers shall be subject to disciplinary action.

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[29] Congress of Local and Regional Authorities of The Council of Europe, https://referenceworks.brillonline.com/entries/international-year-book-and-statesmens-who-s-who/*-SIM_org_2284 (last visited Sep 05, 2023).

[30] Procedures for whistleblowing in schools and model policy | GOV.WALES, (2022), https://www.gov.wales/procedures-whistleblowing-schools-and-model-policy-html (last visited May 03, 2023).

[31] Whistle Images – Browse 105,394 Stock Photos, Vectors, and Video, ADOBE STOCK, https://stock.adobe.com/search?k=whistle (last visited Sep 26, 2023).

2. **Investigation and Follow-up** - The university shall promptly investigate all reports of maladministration and corruption and take appropriate action to address any wrongdoing identified. If the matter involves criminal activity, the university shall refer the matter to law enforcement agencies for further investigation and action. The university shall provide regular updates to whistleblowers on the status of their reports and the measures taken to address any issues identified. (By including this point in the policy, the university can ensure that law enforcement agencies appropriately address any criminal activity related to maladministration and corruption. This can help prevent the situation from worsening and deter potential perpetrators from engaging in such activity).

3. **Training and Awareness** - The university shall provide training and awareness programs to all employees, students, and contractors on this policy and the importance of reporting maladministration and corruption. The training shall also cover the protection of whistleblowers and the consequences of retaliation.

4. **Compliance** - All individuals associated with the university shall comply with this policy. Failure to comply with this policy may result in disciplinary action. (This action is not derogating any legal recourse that may be availed).

5. **Review and Revision** - This policy shall be reviewed periodically to ensure it remains practical and relevant. Any necessary revisions shall be made in consultation with relevant stakeholders.

HOW CBM CAN BE A CHANGEMAKER:

Confidence-building measures (CBM) can effectively address the challenge of reporting maladministration and corruption in universities.

- Establish an independent ombudsman or integrity commissioner to oversee the reporting process and ensure that whistleblowers are protected and that investigations are conducted fairly and impartially.
- Encourage the formation of student-led anti-corruption and accountability clubs or associations, which can help raise awareness about the importance of reporting maladministration and corruption to promote a culture of transparency and integrity in the university.
- Develop a code of conduct for university officials, employees, and contractors, which outlines clear standards of behaviour and ethical principles and sets out consequences for violations.
- Organize training programs for university officials, employees, and contractors on the risks and consequences of corruption and maladministration and provide them with the skills and knowledge necessary to prevent and address such issues.
- Establish a system of incentives to encourage individuals to report maladministration and corruption, such as financial rewards or recognition programs.
- Partner with civil society organizations, media outlets, and other stakeholders to raise awareness about reporting maladministration and corruption.
- By implementing some or all of these measures, universities can help build confidence and trust in their reporting mechanisms and ensure that individuals feel safe and supported when reporting maladministration and corruption. This can ultimately help prevent such issues from occurring in the first place and ensure that universities operate fairly, transparently, and ethically.

"No legacy is so rich as honesty."[32]

To protect the honest warriors of truth is no mere obligation but utmost duty since they serve not themselves but society. The whistle against corruption and maladministration must serve the greater good of humanity at large. A fundamental yet inescapable determination to uphold the same has been re-identified in the present study based on responses received. Therefore, anonymity and a sense of security must precede the opportunity to report if it were no gimmick but realization of whistle-blower protection in the true sense.

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[32] All's Well That Ends Well, Act III, Scene 5 :|: Open Source Shakespeare, https://www.opensourceshakespeare.org/views/plays/play_view.php?WorkID=allswell&Act=3&Scene=5&Scope=scene (last visited Sep 26, 2023).