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Exploitations of Relationship between Corruption and Crime in Politics

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ABSTRACT

Corruption and crime in politics are interrelated phenomena that pose significant challenges to democracy, good governance, and the rule of law. This article explores the relationship between corruption and crime in politics, and how they can reinforce each other. The article examines the various forms of corruption in politics, such as bribery, embezzlement, nepotism, and patronage, and how they can facilitate criminal activity. It also analyzes the impact of corruption on the criminal justice system and the rule of law. Corruption can undermine the effectiveness of law enforcement, the courts, and other institutions responsible for combating crime, and it can lead to the subversion of the democratic process. Additionally, the article discusses how criminal activity can create opportunities for corruption, such as money laundering, and how they can perpetuate each other. The study uses case studies from different countries to illustrate the relationship between corruption and crime in politics. It examines how corruption in the political sphere can enable criminal networks to operate with impunity, and how criminal groups can use their illicit activities to influence political decision-making. It also explores how anti-corruption measures, such as transparency, accountability, and public participation, can help to prevent and deter criminal activity. Overall, this article aims to provide a comprehensive understanding of the relationship between corruption and crime in politics. It concludes by highlighting the importance of effective anti-corruption measures in preventing criminal activity and promoting good governance.

Keywords: *corruption, crime, politics, democracy, good governance, rule of law.*

I. INTRODUCTION

A crime is a legally a violations of the criminal code. A crime is a “public” as opposed to an “individuals” or “private” wrong. Crime begins with the law². In general words crime simply means breaking the laws, performing the act which is against the system, rules, and laws. Crime is an act or omission which is prohibited by this law which affects the society or public at large and it is always committed against the government, also for which penalty or punishment is given to the offend or wrong doer. In fact crime is willful violations of laws with motive or

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² Kathuria, R. P. (2021). Law of crimes and criminology (5th ed.). Vinod Publications.

purpose, since it is voluntary so it is punishable. Crime may be said anti-social, immoral or sinful behavior act. Protection of society is the basic reason of treating some acts as crime. Indeed it is one of the aims of punishment. Where there is no feeling of security, there is no true freedom³.

Similarly As crime is explained in Indian decisions as In T.K. Gopal v. State of Karnataka, the apex court of India has held that crime can be defined as an act that the subjects the doer to legal punishment. It may be also defined as the commission of a specifically forbidden by law. Crime is placed when there is violations of Laws, in general word. A crook (Criminal) Contempt is an act which so threatens the management of justice in trendy that it calls for punishment. A political phenomenon requires a political stability, as politics is not simply about people arguing and failing to agree, not is it the sole preserve of governments. Politics is at the heart of all activity, formal and informal, public and private, in all human groups, institutions and societies. Politics is the struggle for power. Politics is the sign of who gets what, when, and why; a process of determining how power and resources are distributed in a society without violence. Similarly, In general word, Politicians are the persons who are doing politics. A politicians is a person who campaigns for or holds a positions in government. Similarly, Law is the manifestation of principles of justice, equity and good conscience. Law steps into iron out such creases and ensure equality of protection to individuals as well as group liberties.

Crimes can be divided into two main categories:

- Mala in se crimes are inherently wrong, such as murder, rape, and theft.
- Mala prohibita crimes are not inherently wrong, but they are prohibited by law, such as drug possession and gambling.

Crimes can also be classified by the severity of the punishment:

- Misdemeanors are less serious crimes that are punishable by a fine or imprisonment for up to one year.
- Felonies are more serious crimes that are punishable by imprisonment for more than one year.

“May you be ever so high, the law shall be above you⁴”, similarly political phenomena, in general sense is the study of political science, the study of public institutions, with the nature and scope and elements which affect the different grounds of political science nature. Criminal

³ Rathinam, P. v. Union of India, (1994) 4 SCC 740, 759.

⁴ Adam Basha v. State of Karnataka, 1975 Crim. L.J. 744.

responsibility has played definite role in the part and aspects of crime. Criminal duty or the criminal responsibility is described as being answerable for any crook/criminal /criminal motion committed. The minimum age of criminal responsibility varies in different countries, for example, in the United Kingdom; it is ten years while in Japan it could go up to fourteen years in Austrila a rebuttable presumption is made and renders a child incapable of committing crime. This is not unusual place regulation is referred to as *doli incapax*.⁵ Corruption and crime in politics are two interrelated phenomena that pose significant challenges to democracy, good governance, and the rule of law. Corruption can facilitate criminal activity, while criminal activity can create opportunities for corruption. The impact of these two problems on the democratic process and the rule of law cannot be underestimated.

Investigation of crime and criminal case is to find out the matters connected with a crime under probe. It has got hand the high stake in criminal justice system. In a case where the story of commission of the offence and the evidence connected with it are clear, unambiguous with tangible material, the complainant may choose to come to the court of magistrate with a complaint as defined. To control the crime and corruption and to maintain law and order, socially needs criminal law and corruption law. The courts should be strict and vigilant to protect society from crimes and strict laws to control corruption It is in the interest of the society that serious crimes should be effectively investigated. It is equally important that there must be fairness to all side.

II. CRIME AND CORRUPTION

Crime is the act which is stated when an action is performed which is against the law. Crime begins with the law. That is say, the possible transformation of an instance of conduct into a criminal act originates with the formulation of some criminal statute. “Criminality is the country of getting been formally described as punishable, whether or not or now no longer one has been apprehended and punished.” In this sense criminal punishment is a form of official coercion that results in deprivation. This deprivation may be permanent or temporary.

The Apex court of the India has enumerated three characteristics of crime, in its landmark decisions. *P. Rathinam v. Union of India*⁶ as under: A crime has three characteristics:

(1) It is harm, brought about by human conduct which is sovereign power in the state desires to prevent;

⁵ Bhagat, Y. P., & Sharif, Dr. Mohammad. (2019). *Criminal justice system: Role of investigation (Adversarial and inquisitorial system of investigation)*. Vinod Pub.

⁶ *Rathinam, P. v. Union of India*, (1994) 4 SCC 740, 758.

- (2) Among the measures of prevention decided on is the chance of punishment; and
- (3) Legal complaints of a unique type are hired to determine whether or not the man or woman accused did in fact cause the harm, and is, according the law, to be held legally punishable for doing so.

The term 'Crime' has explained in judicial decision of foreign courts; as in decision of U.S.A, 'Crime' has stated as the crime and misdemeanor are synonymous through in common usage the former is made to denote such offences as are of a deeper and more atrocious type, while the smaller faults and omissions of less consequences are comprised under the latter⁷. Likewise in the decisions of U.K., Crime is explained as, an act may, however, be prohibited or commanded by a statute in such a way that a person contravening the statute is liable to a pecuniary penalty recoverable as debt by civil process in such a case contravention is an offences against the statute but is not crime. It may be an offence against morality or social order⁸. The spark of liberty burns with inside the soul of each man. The spark has ignited many revolution from the American to the French, from the Russian to our own struggle for freedom. We the people have promised ourselves the liberty. We have additionally promised justice- Social, economic, and political. Crime is an intentional act or omission in violation of criminal law (statutory and case law), committed without defence or justification, and prohibited by the state⁹. Crime concerns transgressions against the public order rather than against moral or private orders. Acts become crime when they are so defined by statutory enactment or common law. Thus, a behavior that was permissible ("legal") at one time may, at a later time, be declared, "illegal". Or the reverse may occur, as in the present trend toward the "decriminalization" of marijuana usage. But the scholars of crime or deviant behavior must go beyond the study of how and why acts are defined as illegal. If they wish to study "crime" they must focus on actions that have been defined as "criminal" but that are in fact only one category in a much broader class of deviant acts. Many acts are publicly considered deviant, abnormal, or abhorrent that are not crimes, while some acts defined by law as crimes as not popularly regarded as wrong or abnormal (such as gambling in many jurisdictions and intercourse between consenting adults of opposite sex). Motive, which is not an essential element of crime, is distinguished from intent. Motive is a "reason" or a "moving cause". Intent is "purpose" or "resolve" to do an act. Motive, of course, is often important in offering proof of the existence of the essentials element of the crime.

⁷ Schick v. United States, 195 U.S. 540 (1904).

⁸ AIR 2000 SC 1669; 2000 SCC (Cri) 1037; 2000 Cri. L.J. 2286.

⁹ R.P. Kathuria, Law of Crimes and Criminology, Vol. 4 (Vinod Pub. 2022), 4.

‘Act is non facit reum nisi means sit real’ i.e. the act does not constitute guilt, without the guilty mind. When the intention is noble, the act is also noble whatever be the nature of the act. Then when does an act become a sin? “Sin is not in the action, it is, in fact, in the reaction upon us that sin manifests.”

If sadhu has a past, sinner has future. Lord Krishna in the Bhagwad Gita discloses to Arjuna the true arch-devil in each of us is Karma, Krodha & Lobha i.e. passion, anger and greed. These are the enemies of men which pushes him towards commission of heinous crimes and sins. They dominate the discretion and wisdom of even educated persons and tempt them to unethical practices¹⁰.

Corruption is a serious problem that has far-reaching consequences for individuals, societies, and economies around the world. It is a form of dishonesty, abuse of power, and violation of trust that undermines the principles of good governance, democracy, and the rule of law. Corruption takes many forms, from bribery and embezzlement to nepotism and patronage. Bribery involves offering money or other incentives to officials to influence their decisions or actions. Embezzlement occurs when officials misuse public funds for their personal benefit. Nepotism involves favoring family members or friends in political appointments, while patronage involves rewarding supporters with government contracts or other benefits. The impact of corruption on individuals is significant. It can lead to poverty, inequality, and reduced access to essential services such as healthcare, education, and clean water. For instance, in some countries, patients may have to bribe doctors to receive treatment, or children may have to bribe teachers to pass exams. This creates a vicious cycle of poverty and corruption that perpetuates inequality and social injustice. Corruption also undermines the functioning of societies and the economy. It can lead to a breakdown of the rule of law, as corrupt officials act with impunity, and the democratic process is subverted. Corruption also distorts markets and reduces competition, hindering economic growth and development. For example, companies may have to bribe officials to obtain licenses or contracts, which increases their costs and reduces their competitiveness.

The fight against corruption is crucial for promoting good governance, democracy, and the rule of law. It requires a concerted effort from governments, civil society, and the private sector. Effective anti-corruption measures include transparency, accountability, and public participation. Transparency involves making information available to the public, while accountability ensures that officials are held responsible for their actions. Public participation

¹⁰ R.P. Kathuria, *Law of Crimes and Criminology*, Vol. 4 (Vinod Pub. 2022), 5.

allows citizens to participate in the decision-making process, reducing the opportunities for corruption. In many countries, the fight against corruption has been hampered by weak institutions and lack of political will. To be effective, anti-corruption measures must be implemented in a comprehensive and sustained manner, involving all stakeholders. This requires a long-term commitment to reform and building strong institutions that can resist the pressure of corruption. Corruption is a global problem that affects all countries, regardless of their level of development or political system. It is not limited to the public sector but also occurs in the private sector. Therefore, addressing corruption requires a holistic approach that includes both the public and private sectors. The role of international cooperation is critical in the fight against corruption. Countries can learn from each other's experiences and share best practices in the fight against corruption. International organizations, such as the United Nations and the World Bank, can provide technical assistance and support to countries that are implementing anti-corruption measures.

III. FORMS OF CORRUPTION IN POLITICS

Corruption in politics can take many forms, ranging from relatively minor violations of ethical standards to criminal acts that threaten the very foundations of democratic institutions. Here are some of the most common forms of corruption in politics:

- a. **Bribery**: This is perhaps the most well-known form of political corruption. Bribery occurs when a public official or politician accepts money or other valuable items in exchange for using their position to benefit a particular individual or group.
- b. **Nepotism**: Nepotism occurs when a politician appoints family members or friends to positions of power or influence, even if they are not qualified for the job. This can lead to a lack of diversity and a concentration of power in the hands of a small group of individuals.
- c. **Embezzlement**: Embezzlement occurs when a politician or public official uses their position to steal public funds for their own personal gain. This can include diverting funds to a personal bank account or using public resources for personal use.
- d. **Favoritism**: Favoritism occurs when a politician or public official uses their position to show preferential treatment to certain individuals or groups, often at the expense of others.
- e. **Insider trading**: Insider trading occurs when a politician or public official uses their position to gain access to confidential information about a company or industry, which

they then use to make profitable trades in the stock market.

- f. Election fraud: Election fraud occurs when politicians or public officials manipulate the electoral process to secure their own victory or that of their party. This can include voter intimidation, vote buying, and tampering with ballot boxes.
- g. Cronyism: Cronyism occurs when politicians or public officials award contracts or jobs to their friends or associates, regardless of their qualifications or ability to perform the job.
- h. Kickbacks: Kickbacks occur when a politician or public official receives a percentage of the profits generated by a particular project or contract. This is often done in exchange for awarding the contract to a particular company.
- i. Conflict of interest: Conflict of interest occurs when a politician or public official uses their position to benefit their own personal interests, rather than the interests of the public they were elected to serve.

IV. HOW CORRUPTION FACILITATES CRIME IN POLITICS

Corruption in politics not only undermines the integrity of democratic institutions, but it also facilitates criminal activities. This is because corrupt politicians and public officials are more likely to turn a blind eye to illegal activities in exchange for personal gain, allowing criminals to operate with impunity. Here are some of the ways in which corruption facilitate crime in politics:

- a) Money laundering: Politicians and public officials who engage in corruption often receive large sums of money that they cannot account for through legitimate means. They may launder this money by investing it in real estate or businesses, or by moving it through offshore bank accounts. Criminals can also take advantage of these same channels to launder their own ill-gotten gains, with corrupt officials turning a blind eye in exchange for a cut of the profits.
- b) Drug trafficking: The illegal drug trade is a major source of income for criminal organizations around the world. Corrupt politicians and public officials can facilitate drug trafficking by turning a blind eye to drug smuggling or by accepting bribes to allow drugs to pass through ports or borders. They may also provide protection to drug cartels or use their position to disrupt investigations into drug trafficking.
- c) Human trafficking: Human trafficking is a heinous crime that involves the forced labor or sexual exploitation of vulnerable individuals. Corrupt politicians and public officials

can facilitate human trafficking by accepting bribes to turn a blind eye to the practice or by providing protection to human trafficking networks. They may also use their position to obstruct investigations into human trafficking or to prevent victims from seeking help.

- d) Organized crime: Organized crime groups engage in a wide range of criminal activities, from drug trafficking and money laundering to extortion and fraud. Corrupt politicians and public officials can provide cover for these activities by accepting bribes or by actively participating in criminal conspiracies. They may also use their position to block investigations or to intimidate witnesses and law enforcement officials.
- e) Terrorism: Terrorism is a global threat that requires international cooperation to combat. Corrupt politicians and public officials can facilitate terrorism by accepting bribes to turn a blind eye to terrorist activities or by providing safe havens for terrorist groups. They may also use their position to block investigations into terrorism or to disrupt efforts to prevent terrorist attacks.

V. IMPACT OF CORRUPTION ON THE CRIMINAL JUSTICE SYSTEM AND THE RULE OF LAW

The impact of corruption on the criminal justice system and the rule of law is significant. Corruption can lead to a lack of public trust and confidence in the fairness and impartiality of the legal system. It can also create a range of negative consequences, such as impunity for criminals, unequal access to justice, erosion of the rule of law, delayed justice, and impaired police and prosecutorial effectiveness.

Corruption can lead to a situation where criminals can operate with impunity, either by bribing officials to ignore or cover up their criminal activities or by manipulating the legal system to avoid being held accountable for their actions. This can create a situation where access to justice is not equal for all citizens. Wealthy individuals or those with political connections may be able to use their influence to avoid prosecution or receive lighter sentences, while those without such resources may face harsher penalties.

Corruption can also erode the rule of law, which is the foundation of a functioning legal system. When officials act in their own self-interest instead of the public interest, it undermines the legitimacy of the legal system and creates a culture of impunity that is detrimental to the health of democratic institutions. Corruption can also lead to lengthy delays in the administration of justice, as officials may demand bribes or engage in other forms of corruption to delay legal proceedings or manipulate the outcome of a case.

Moreover, corruption can impair the effectiveness of the police and prosecutorial branches of the criminal justice system. When police officers or prosecutors are corrupt, they may prioritize protecting their own interests over pursuing justice, leading to a lack of public safety and a breakdown in the social contract between citizens and the state.

VI. HOW CRIME REINFORCES CORRUPTION IN POLITICS

In politics, corruption and crime are intertwined and can reinforce each other in various ways. Criminal activities can perpetuate corruption, while corruption can facilitate and encourage criminal activities. There are several ways in which crime reinforces corruption in politics, including money laundering, using criminal activities to influence political decision-making, and collaboration between criminal networks and corrupt officials.

Money laundering is one of the most common ways in which crime reinforces corruption in politics. Criminal organizations generate huge amounts of cash through illegal activities such as drug trafficking and arms smuggling. This cash is then laundered through legitimate businesses or financial institutions, making it difficult to trace back to its criminal origins. Corrupt politicians or officials may be involved in the money laundering process, accepting bribes or kickbacks in exchange for turning a blind eye to the illegal activities of criminal organizations or helping to conceal their money laundering operations.

Another way in which crime reinforces corruption in politics is by using criminal activities to influence political decision-making. Criminal organizations may use their illegal gains to fund political campaigns or bribe politicians or officials to support their interests. For example, a drug cartel may use its profits to fund the election campaign of a candidate who promises to ignore their drug trafficking operations. Alternatively, a criminal organization may bribe a politician or official to influence policy decisions in their favor or to gain access to government contracts or resources.

Collaboration between criminal networks and corrupt officials is another way in which crime reinforces corruption in politics. Corrupt officials may collaborate with criminal networks to profit from their illegal activities, such as by accepting bribes or facilitating their operations. In exchange, criminal organizations may provide financial support to these officials or use their connections to gain access to government resources or to avoid prosecution. This collaboration can create a symbiotic relationship in which both parties benefit from their illegal activities, perpetuating corruption and criminality in the political system.

The reinforcement of corruption by criminal activities has serious consequences for democratic governance and the rule of law. It erodes public trust in government institutions and undermines

the legitimacy of the political system. When criminal activities are used to influence political decision-making, it undermines the principles of democracy and the notion of a government that serves the public interest. Similarly, when officials collaborate with criminal networks, they undermine the rule of law and create a culture of impunity, in which criminals operate freely without fear of prosecution.

Additionally, the reinforcement of corruption by criminal activities can have negative consequences for the economy and society as a whole. When criminal organizations are allowed to operate freely, they can distort markets, undermine competition, and create social instability. Money laundering can also contribute to the erosion of financial systems, making it more difficult for legitimate businesses to access credit or conduct transactions. Furthermore, the use of criminal activities to influence political decision-making can lead to policies that benefit the interests of criminal organizations at the expense of the public good, exacerbating social and economic inequalities. The relationship between crime and corruption in politics is complex and mutually reinforcing. The consequences of this relationship can be devastating for democratic institutions, the rule of law, and society as a whole.

VII. CASE STUDIES

Politics across the globe has been plagued by corruption and crime, and this issue is also rampant in Nepal and India. In both countries, corrupt practices such as embezzlement, bribery, and other illegal activities are prevalent among politicians.

In Nepal, corruption has been a long-standing issue, and it ranks 113th out of 180 countries in the 2020 Corruption Perceptions Index by Transparency International. Former Deputy Prime Minister and Home Minister, Bijaya Kumar Gachhadar, was accused of embezzling funds allocated for earthquake victims in one of the most prominent corruption cases in Nepal¹¹.

Similarly, India has had its fair share of corruption scandals in politics. The Commonwealth Games scam, where senior officials were accused of embezzling funds allocated for the event, was exposed in 2010¹². The allocation of 2G spectrum licenses in the 2G scam is also considered one of the biggest corruption scandals in India¹³. The Coal scam, which involved the allocation of coal blocks to private companies, resulted in billions of dollars lost to the national

¹¹ The Kathmandu Post. (2020, February 5). Three former ministers among 175 individuals indicted over Lalita Niwas scam. Retrieved from <https://kathmandupost.com/national/2020/02/05/three-former-ministers-among-175-individuals-indicted-over-lalita-niwas-scam>

¹² Notes Learning. (2023, April 18). The Commonwealth Games Scam 2010. Retrieved from <https://noteslearning.com/the-commonwealth-games-scam-2010/>

¹³ Ipleaders Blog. (2018, November 22). Case Study: 2G Spectrum Case. Retrieved from <https://blog.ipleaders.in/case-study-2g-spectrum-case/>

exchequer¹⁴.

Corruption and crime in politics have a complex relationship, with corruption often leading to other criminal activities. Politicians often leverage their positions of power to engage in corrupt practices like bribery, extortion, and money laundering, leading to a web of criminal activities that can impact society significantly.

Furthermore, political corruption can lead to the breakdown of the rule of law, where politicians and their associates are above the law, and justice becomes a commodity that can be bought and sold. This can have detrimental effects on democracy and the rule of law, which are vital elements for a functioning society.

VIII. ANTI-CORRUPTION MEASURES

Corruption is a complex problem that has been around for centuries. It is difficult to eradicate completely, but it can be controlled. Anti-corruption measures are steps taken to prevent and combat corruption, which is a significant problem across the globe. It is important to remember that corruption is not just a problem for governments. Corruption can have a significant negative impact on society, but it can also be a source of innovation and change. By understanding the causes of corruption, we can find ways to channel its energy into positive outcomes. It can also occur in the private sector, in non-governmental organizations, and in other institutions. It is important to take a comprehensive approach to combating corruption, and to involve all sectors of society in the effort.

These measures can be implemented at various levels, including government, civil society, and the private sector. Here are some examples of anti-corruption measures:

- a. Strengthening the rule of law: Effective anti-corruption measures require a robust legal framework and enforcement mechanisms that are applied equally to all individuals regardless of their status or position. This means that the legal system should be free from political interference, and independent institutions should be established to monitor and investigate corrupt activities.
- b. Promoting transparency: Transparency in government operations is a critical tool to prevent corruption. This can be achieved through measures such as open data policies, public access to information, and disclosure requirements for public officials and political parties.

¹⁴ Indian Express. (2023, March 8). Explained: Recalling the coal blocks allocation cases, allegations, investigation and what now. Retrieved from <https://indianexpress.com/article/explained/explained-recalling-the-coal-blocks-allocation-cases-allegations-investigation-and-what-now-6723961/>

- c. Encouraging public participation: Citizen participation in decision-making processes can help ensure accountability and transparency in public institutions. This can be achieved through measures such as public hearings, consultations, and social audits.
- d. Strengthening financial controls: Effective financial controls are critical to preventing corruption in public institutions. This includes measures such as establishing internal controls, regular financial audits, and creating effective anti-money laundering and anti-corruption mechanisms.
- e. Education and awareness-raising: Education and awareness-raising campaigns are essential to creating a culture of transparency, accountability, and anti-corruption. This includes educating the public about the negative impacts of corruption and promoting ethical values in society.
- f. International cooperation: International cooperation and collaboration are critical to preventing and combating corruption, especially in cases where corruption involves transnational actors. This can be achieved through measures such as the sharing of best practices, technical assistance, and mutual legal assistance.

IX. CONCLUSION

In conclusion, the relationship between corruption and crime in politics is a complex one. Corruption often leads to the commission of other crimes, such as bribery, extortion, and money laundering. Politicians use their positions of power to engage in corrupt practices, which can result in a web of criminal activities that have a significant impact on society. Furthermore, corruption in politics can lead to a breakdown of the rule of law, where politicians and their cronies are above the law, and justice becomes a commodity that can be bought and sold. This can have a detrimental effect on democracy and the rule of law, which are essential elements for a functioning society. To address the problem of corruption and crime in politics, it is crucial to implement effective anti-corruption measures at various levels, including strengthening the rule of law, promoting transparency, encouraging public participation, strengthening financial controls, education and awareness-raising, and international cooperation. In summary, the relationship between corruption and crime in politics is a serious issue that requires urgent attention. By taking steps to prevent and combat corruption, we can promote transparency, accountability, and good governance, which are essential for building a more just and equitable society.
