

REPUBLIQUE DU BENIN



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**THEME**

**CORRUPTION IN JUDICIAL SYSTEM IN THE UNITED  
KINGDOM CAUSES IMPACTS AND APPROACH OF  
SOLUTIONS**

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# INTRODUCTION

The World Bank's definition of corruption, probably the most widely used is simply 'the abuse of public office for private gain'. This is the definition used by the major anti-corruption NGO Transparency International. But the historical experience of Britain shows that this definition is far too narrow to allow us to understand the problem in all of its dubious glory. It is a definition that has its origins in thinking about the problem of corruption as something which affects developing or economically 'backward' societies that fail to respect the liberal division between 'public' and 'private' domains. But there is a growing awareness in academic research, media reporting and public discussion that the problem of corruption actually has its origins closer to home. As anthropologists Dieter Haller and Cris Shore noted a decade ago, after the collapse of Enron and WorldCom: "Europeans and Americans cannot assume that grand corruption is something that belongs primarily to the non-Western 'Other' or to public-sector officials in defective state bureaucracies but can also be found in the very heart of the regulated world capitalist system."

There is now a daily diet of corruption scandals hitting the headlines in Britain, a country that previously claimed a proud, if naive and largely mythical tradition of fair play, of open politics and clean business. There has always been more than a vague whiff of racism in the claim that we're not a corrupt democracy, unlike many of our European - especially Mediterranean - counterparts. If we have corruption in British public life, we have always been told, it is only at the margins of our public and private institutions. Thanks to the daily reporting of major newspapers getting involved in phone taping and pay offs to police officers, the seemingly endless examples of the falsification of police statements in some of our highest profile cases such as Stephen Lawrence and Hillsborough, Libor rate-fixing, personal protection insurance mis-selling, horsemeat in our burgers, arms companies bribing foreign governments, drug

companies illegally paying other drug companies to keep accessible medicines off the market, politicians being paid to ask questions and fixing expenses claims and so on and on and on, this whopping great myth is not longer plausible.

There is now more than enough evidence in the public domain to show that corruption is endemic in our political institutions, our businesses and our police and security forces. We live in a world in which the boundaries between public and private power are increasingly blurred. Corruption appears to be spread through British public life using increasingly complex systems of capillary connections which show no respect for the boundaries between public and private domains. The narrow terms of accepted definitions of corruption simply don't capture what is going on.

“The crime of corruption has always been viewed with particular distaste. It is no coincidence that the word itself is also used in the phrase ‘corruption of the flesh’, to indicate decay, death and malodor. It is often coined alongside the word bribery, the means by which the politician or official is induced to become corrupt,” wrote Peter Johnston, former Chief Executive of the Scottish Institute of Chartered Accountants.

Corruption and power are closely intertwined and their links had long been recognized. In the 4th century BC, the Greek philosopher, Plato, argued in *The Republic* that only politicians who gain no personal advantage from the policies they pursued would be fit to govern. This is recognized also in the aphorism that those who want to hold power are most likely those least fit to do so. In the latter half of the 18th century, William Pitt those, in a speech before the House of Lords said, “Unlimited power is apt to corrupt the minds of who possess it.” Over a hundred years later, Lord Acton wrote a letter to Bishop Creighton with a

sentence set to become one of the world's most famous quotations: "Power tends to corrupt and absolute power corrupts absolutely."

British are aware of corruption. They bribe some dishonest judges to win cases in court. It is then clear that British have been conscious that bribery helps to obtain favours. Poor people don't know to whom to have confidence. It is so rampant in the UK that many civil servants embezzle public funds.

Fortunately, the poor population can rely on rare citizens to fight the dishonest and silly activity which is corruption. This silly and immoral activity in the judicial system in the United Kingdom is the core element of this research work.

But this does not also mean that corruption is only found in the British justice system, it is found all over the world and in all political systems. The really concern is how to combat it so that poor innocent people and the national economy will not be affected.

This research work is divided into six chapters. In chapter one deals with Research background, general and British perception of corruption in judicial system. In chapter two is concerned with Literature Review. Chapter three is about Brief presentation of the United Kingdom of Great Britain and Northern Ireland, the legal system and the staff of the law in the United Kingdom. The chapter four is the development of Corruption in judicial system. In chapter five I put across Comment on corruption in judicial system. As far as the last chapter is concerned, it highlights Approach of solutions to the problems raised by the negative impacts of corruption in judicial system in the UK.

## **CHAPTER ONE: Research Background, and British Perception of Corruption in Judicial System.**

### **1-1- Research Content and Framework.**

#### **1-1-1-Problem Statement**

The United Kingdom has three different judicial systems. Thus, the first is for England and Wales, the second for Scotland and the third one is concerned with that in Northern Ireland.

In England and Wales, the Criminal law covers the most serious crimes, such as murder, robbery and assault. These laws are enforced by the police and the courts, and anyone who breaks them can be prosecuted in court. If they are found guilty, they can then be fined, sent to prison, or given community sentences. Civil law mostly involves disputes between people, companies or other organization.

Northern Ireland's judicial system is similar to that in England and Wales. The Lord Chancellor is responsible for court administration through the Northern Ireland Court service.

The Scottish Executive Justice Department oversees issues involving civil and criminal law. This shows that there is a well organized judicial system in the United Kingdom.

In the UK, the royal power, the executive power, the judicial power and the legislative power are the most important institutions of the governmental machinery responsible for the security of the poor innocent people. The executive and the legislature of course have a vital role to play in the multifaceted task of governance, but in a federal set-up, it is the judiciary that

holds the balance. Lord Bryca, the famous British Jurist and constitutional expert, rightly commented that there is no better test of the excellence of a government than the efficiency of the judicial system.

The judiciary is in fact the guardian of the people's right; it protects these rights from encroachments by the Government, public bodies and individuals. The liberty of the people, so vital in a democracy, gets endangered in the UK as there is no totally independent judiciary commanding the highest conceivable degree of credibility. Some of the judges are not men of integrity and sound moral character, public confidence in the judiciary and cannot be ensured.

This public trust and credibility is now threatened because of some acts of corruption practiced by certain judges. However, I can confess that some of them are honest people.

### **1-1-2-Purpose of the Study**

The study of this theme will provide a deep understanding on corruption in the judicial system in the United Kingdom. It will permit to examine the causes and the consequences of corruption in general and especially in the judicial system. It will also put across measures to eradicate corruption from society.

Nevertheless, this research work is a preparatory study for other researchers who might have to study corruption in the UK and anywhere in the world.

### **1-1-3-Limitation of the Study**

The study is to investigate the causes, consequences of corruption in the British judicial system. Then, see how it has affected the social and economic development of the Britain as a whole.

More importantly, this research work is expected to find out the manifestation of corruption in Britain and how individuals, organizations and government should be implicated so as to eliminate corruption in the judicial system of the UK and in every institution. This work is to be carried out in the school of learning where research project is to be undertaken by students in their academical pursuits.

#### **1-1-4-Research Methodology**

In order to better understand corruption in the judicial system in the United Kingdom, its causes and impacts, I have first of all conducted documentary research; which allows me to make a short overview on different concerns related to this topic.

In fact, this documentary research has brought me to “Bibliothèque Nationale”, “Archive Nationale”, “Bibliothèque ENS” and “Bibliothèque de la FLASH” where I have consulted different documents such as books, essays, dissertations of some foreign scholars and those of the University of Abomey-Calavi and articles related to corruption in the judicial system. I have also used some internet links for update information.

Secondly, I have made a profound analysis of the collected data so as to establish a relationship between them. Through that analysis, I have found clarifications on the causes and impacts of corruption in the judicial system in our societies, especially in the UK.

Therefore, I have selected useful information related to the cases of corruption, their causes and impacts and how the problem is widespread in every institution, especially in the judicial system in the United Kingdom.

Finally, I have proceeded to the analysis of the findings related to the manifestations of corruption and its negative impacts on our societies, especially, in the judicial system in the UK.

## **1-2- Background Related to Corruption in Judicial System.**

Judicial Corruption refers to corruption related misconduct of judges, through receiving or giving bribes, improper sentencing of convicted criminals, bias in the hearing and judgment of arguments and other such misconduct.

Governmental corruption of judiciary is broadly known in many transitional and developing countries because the budget is almost completely controlled by the executive. The latter undermines the separation of powers, as it creates a critical financial dependence of the judiciary. The proper national wealth distribution including the government spending on the judiciary is subject of the constitutional economics.

It is important to distinguish between the two methods of corruption of the judiciary: **the government** (through budget planning and various privileges), and **the private**.

## **1-3- Conceptual and Contextual Clarification**

Here, we are going to give the meaning of the concepts **corruption in general**, **corruption in judicial systems in particular**.

### **1-3-1- Corruption**

The word corrupt (Middle English, from Latin *corruptus*, past participle of *corrumpere*, to abuse or destroy: *com-*, intensive pref. and *rumpere*, to break) when used as an adjective literally means "utterly broken". (Wikipedia)

The legal and moral aspects seem important because some scholars argue that in certain instances people engage in seemingly corrupt acts openly without being aware of its moral and legal status. Noonan (1984)

Similarly, Rose Ackerman (1978) focuses on the legality of various payments irrespective of the nature of the outcome.

Corruption is a term with many meanings, but generally it entails misusing one's office for a private gain or unofficial end. It involves both a monetary and non-monetary benefit. Bribery, extortion, influence peddling, nepotism, scams, fraud, 'grease money', and opportunism readily spring to mind. (Wikipedia)

In simple words, corruption means "the misuse of entrusted power for private benefit."

Conceptually, corruption is a form of behavior which departs from ethics, morality, tradition, law and civic virtue. Its roots are linked to injustice, mistrust and it creates a sense of insecurity. It also instills a sense of hopelessness and despondency and threatens the strength of good values. The ultimate victim of corruption is the human dignity itself. Hence corruption causes breach in the social order and emerges as a potential threat to the prosperity, peace and stability of human civilization across the globe.

No institution in the United Kingdom is free from corruption including the judiciary and the very judicial system.

Corruption can occur in many ways. The use of both positive and negative inducements to encourage the misuse of power is well known. In addition, favouring of friends, relatives and cronies in a way that is not directly beneficial to the corrupt individual is a form of corruption. In systemic corruption and grand corruption, multiple methods of corruption are used concurrently with

similar aims as Bribery, Embezzlement, theft and fraud, Extortion and blackmail, Abuse of discretion, Favouritism, nepotism and clientelism, Improper political contributions, Conduct creating or exploiting conflicting interests.

Frequently in philosophical discussions, corruption takes the form of contrasting a pure spiritual form with a corrupted manifestation in the physical world. Many philosophers, in fact, have regarded the physical world as inevitably corrupt (Plato) being the most famous example of this school of thought).

The United Nations Convention against Corruption also characterizes corrupt behavior as any 'promise, offering or giving to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official acts or refrain from action in the exercise of his or her official duties (UNConvention-2003)

In the Bible, King James Version, the Book of Genesis 6:12, stated "and God looked upon the earth, and, behold, it was corrupt; for all fresh had corrupted his way upon the earth". It similarly describes a world before **the flood** where 'everyone on earth was corrupt.

Another philosophical use of the term "corruption" is in opposition to "generation," as in Aristotle's book *On Generation and Corruption* also known as *On Coming to Be and Passing Away*. In this sense, corruption is the process of ceasing to exist and is closely related to the concept of dying given certain views about the nature of living things. In a moral sense, corruption generally refers to decadence or hedonism. In theological or political debates, certain viewpoints are sometimes accused of being corruptions of orthodox systems of belief, which is to say, they are accused of having deviated from some older correct view.

### **1-3-2- Corruption in Judicial System**

Judicial Corruption refers to corruption related misconduct of judges, through receiving or giving bribes, improper sentencing of convicted criminals, bias in the hearing and judgment of arguments and other such misconduct.

Governmental corruption of judiciary is broadly known in many transitional and developing countries because the budget is almost completely controlled by the executive. The latter undermines the separation of powers, as it creates a critical financial dependence of the judiciary. The proper national wealth distribution including the government spending on the judiciary is subject of the constitutional economics.

It is important to distinguish between the two methods of corruption of the judiciary: the government (through budget planning and various privileges), and the private.

In the Global Corruption Report 2007, page xxii, Transparency International (TI), a civil society organization leading the global fight against corruption, Robert Barrington, executive director of TI, defines corruption as ‘the abuse of entrusted power for private gain’. This means both financial or material gain and non-material gain, such as the furtherance of political or professional ambitions. Judicial corruption includes any inappropriate influence on the impartiality of the judicial process by any actor within the court system. For example, a judge may allow or exclude evidence with the aim of justifying the acquittal of a guilty defendant of high political or social status. Judges or court staff may manipulate court dates to favour one party or another. In countries where there are no

verbatim transcripts, judges may inaccurately summarize court proceedings or distort witness testimony before delivering a verdict that has been purchased by one of the parties in the case. Junior court personnel may ‘lose’ a file – for a price. Other parts of the justice system may influence judicial corruption. Criminal cases can be corrupted before they reach the courts if police tamper with evidence that supports a criminal indictment, or prosecutors fail to apply uniform criteria to evidence generated by the police. In countries where the prosecution has a monopoly on bringing prosecutions before the courts, a corrupt prosecutor can effectively block off any avenue for legal redress. Judicial corruption includes the misuse of the scarce public funds that most governments are willing to allocate to justice, which is rarely a high priority in political terms. For example, judges may hire family members to staff their courts or offices, and manipulate contracts for court buildings and equipment. Judicial corruption extends from pre-trial activities through the trial proceedings and settlement to the ultimate enforcement of decisions by court bailiffs.

## **CHAPTER TWO: Literature Review**

### **2-1- Literature Review Related to Corruption in Judiciary System**

Lord Bryca, the famous British Jurist and constitutional expert, rightly commented in the essay written by Vivek Malhotra that there is no better test of the excellence of a government than the efficiency of the judicial system.

Otite, in his “presidential address to the 8th annual national conference of the Nigerian Anthropological and Sociological Association (NASA)”, stated that corruption is of five major types: political corruption, economic corruption, bureaucratic corruption, judicial corruption and moral corruption. Political corruption is, in broad terms, social maladministration.

It is the misuse by government officials of their government powers for illegitimate, usually secret, private enrichment. To say the least, all forms of government are susceptible to political corruption-bribery, extortion, cronyism, nepotism, patronage, graft and embezzlement (Gyekye, 2003).

Bolaji, Ibrahim and Odeyemi (2010), in “corruption in social administration: a barricade to citizens welfare and Nigeria’s development”, page 59; show that corruption in social administration is the mismanagement of public affairs. According to them, this involves the various forms of looting, embezzlement, money laundering, project abandonment, and the likes.

Otite (1986), and Aiyegbayo (2007), Opine that corruption is a general concepts describing any organized, interdependent system in which part of the system is

either not performing duties it was originally intended to, or performing them in an improper way, to the detriment of the system's original purpose.

Pogoson, (2009) argues that corruption or corrupt behavior involves the breach of established rules for personal gain and profit; efforts to secure wealth or power through illegal means; private gain at public expense; or the misuse of public power for private benefit.

## **2-2- Literature Review Related to Impacts of Corruption in Judiciary System.**

Corruption is undermining justice in many parts of the world, denying victims and the accused the basic human right to a fair and impartial trial. (Transparency International, Global Corruption Report, 2007, page xxi)

Interestingly, judicial corruption can flourish under weak judicial leadership since judicial leaders or top judiciary officials who are weak can hardly be expected to control their subordinate officers who succumb to the temptation of receiving bribes and committing other forms of judicial corruption either because as weak leaders they do not have the moral gut to exert control or perhaps being dishonest themselves, they have compromised their own integrity and moral authority and so cannot discipline others (Gyekye, 2003).

The concept of corruption, according to Akindele (1995), has long been ideologically, morally, culturally, politically and intellectually elusive to the point of losing sight of its detrimental and parasitic influence on people and the society at large. Corruption involves the injection of additional but improper transactions aimed at changing the normal course of events and altering judgments and positions of trust. It consists in the doers' and receivers' use of informal, extra – legal or illegal acts to facilitate matters.

The concept can also be described as the wanton craze for illegal, unethical and often criminal acquisition of wealth or benefits by individuals whose main motive is ego bosting and self aggrandizement with its attendant negative consequences on the rest of the society (Ojukwu, and Shopeju, 2010).

According to Ajie and Wokekoro (2012), the consequences of corruption on a nation's socio-political and economic development are myriad. The foremost effect of corruption is that it leads to a reduction in economic growth and development by lowering incentives to invest; it also leads to a divestment in such economies. Serious investors are always wary of offering bribes before being allowed investment rights or operational licenses. This is due to the fact that there is no guarantee that greased officials may keep their side of the agreements. This point to the fact that foreign investors are also prone to withdraw their Capital from a country with high incidence of corruption because the risk involved in doing business in such nations sometimes outweighs the benefit (Epele, 2006).

**CHAPTER THREE: Brief presentation of the United Kingdom of Great Britain and Northern Ireland; the Legal System and the Staff of the Law in the United Kingdom.**

**3-1- Brief Presentation of the United Kingdom of Great Britain and Northern Ireland**

**3-1-1- Geographical Features**

The United Kingdom of Great Britain and Northern Ireland is an **insular** state of Western Europe. It consists of England, Wales, Scotland and Northern Ireland. “Britain” is the name frequently used to refer to the United Kingdom as a whole, while “Great Britain” is used only to refer to England, Wales and Scotland. Many small isles have a special relationship with the UK. They are: the Channel Island, not far from the Coast of Normandy, the Isles of Scilly, West of Cornwall, the Isle of Wight, off the South-Coast, Anglesey, off North Wales, the Isle of Man in the Irish Sea, and the 186 inhabited Islands which surround Scotland, and which include the Hebrides and Orkneys and Shetlands.

The United Kingdom of Great Britain and Northern Ireland has an area of 244,000 square miles. Great Britain is the world’s eighth-largest island. The United Kingdom lies between the North Atlantic Ocean and the North Sea, and comes within 35km (22miles) of the northwest coast of France, from which it is separated by the English Channel. Northern Ireland shares a 360 km international land boundary with the Republic of Ireland. England, occupying most of the southern Great Britain, includes the Isles of Cilly off the southwest coast and the Isle of Wight of the southern coast. Scotland occupies the northern Great Britain. It includes the Orkney and Shotland islands off the northern coast and the Hebrides off the northwestern coast. Wales lays West of England and includes the island of Anglesey to the northwest. At its widest, the United Kingdom is 300 miles (500 km) across. From the northern tip of Scotland to the

southern coast of England, it is about 600 miles (1,000 km). No part is more than 75 miles (120 km) from the sea.

The capital and largest city is London. The Isle of Man and the Channel are direct dependencies of the British Crown, and not part of the United Kingdom. They have their own legislatures and legal systems; the British government is responsible only for their external affairs and defense. Despite its reputation for grey skies (more than one-half on the day are overcast) and rain, the climate in Britain is generally mild and temperate significantly warmer than some other locations at similar latitude due to the warming influence of the Gulf Stream. The temperature is subject to few extremes. It is rarely above 32°C or below 10°C. Rain is fairly well distributed throughout the year, but on average, March to June are the driest months and September to January, the wettest. If you visit mountainous areas of the West and North you can expect more rainfall than in central parts of Britain. Average annual rainfall varies from over 3,000 mm (120 inches) in the Scottish Highlands down to 553 mm (21.8 inches) in Cambridge.

The physical geography of the UK varies greatly. It includes the chalk cliffs of Kent and Dorset, the rolling hills and fields of Southeast England, the granite cliffs of Cornwall, the mountains of Wales, the uplands of the Peak District and the Pennines, the mountains of Cumbria, the Scottish lowlands, highlands and islands, and the fields, lakes and mountains of Northern Ireland. The country can be roughly divided into highland and lowland along the Tees-Exe line that links the mouth of the river Tees, the Northeast of England with the mouth of the River Exe in Devon, the Southwest. About 75 per cent of the land area is suitable for agriculture. The majority of land is under grass and given over to livestock grazing. Most sheep and cattle are reared in the Scottish Highlands, on the hill and moorland areas of Wales, and south-western England.

Britain has relatively few mineral resources; natural gas and oil dominate the production over construction (gypsum, clay, etc.) and industrial (salt, potash, etc.) minerals. The coal deposits off north-central England, Wales, and Scotland, and the iron ore deposits of the Pennines area and played an important role in Britain's development as the world's first industrial nation. Since the end of World War II, the iron-ore and tin-mining industries have been declined by the exhaustion of reserves. Oil and natural gas were both originally found in the British sector of the North Sea, off eastern Scotland and eastern England respectively. Oil's production began in 1975 and in the mid 1990s and Britain was within the world's top-ten oil producers (now the 13<sup>th</sup>). Production of natural gas began in 1967; today, Britain is the world's fourth-largest gas producer.

### **3-1-2-Population of the United Kingdom**

According to the 2013 census, the total population of the United Kingdom was around 63,182,000. It is the third-largest in the European Union (behind Germany and metropolitan France) and the 22<sup>nd</sup> largest in the world. Its overall population density is one of the highest in the world at 256 people per square kilometer, due to the particularly high population density in England. Almost one-third of the population lives in England's southeast, which is predominantly urban and suburban, with about 8 million in the capital city in London, the population density of which is just over 5,200 per square kilometer.

The United Kingdom assumed a high literacy rate (99% at age 15 and above) is attributable to universal public education introduced for the primary level in 1870 (Scotland 1872, free 1890) and secondary level in 1900. Parents are obliged to have their children educated from ages of 5 to 16 (with legislation passed to raise this to 18), and can continue education free of charge in the form of A-Levels, vocational training or apprenticeship to age 18. About 40% of

British students go on to the post-secondary education (18+). The Church of England and the Church of Scotland function as the national churches in their respective countries, but all the major religions found in the world are represented in the United Kingdom.

The UK's population is predominantly White British. Being located close to continental Europe, the countries that formed the United Kingdom were subject to many invasions and migrations, especially from Scandinavia and the continent, including Roman occupation for several centuries. Historically, British people were thought to be descended mainly from different ethnic stocks that settled there before the 11<sup>th</sup> century; pre-Celtic, Celtic, Anglo Saxon, Viking and Norman. The geneticist Stephen Oppenheimer carried out an extensive research of the British Isles, finding that the Celtic and Anglo Saxon influx had little effect, with majority of British ethnicity tracing back from an ancient Paleolithic Iberian migration, now represented by the basques so that 75% of the modern population could (in theory) trace their ancestry back. Although Celtic languages are partially spoken in Scotland, Cornwall, and Northern Ireland, the predominant language overall is English. In North and West Wales, Welsh is widely spoken as a first language, but much less so in the South East of the country, where English is the predominant language.

### **3-1-3- The People of the United Kingdom**

The name "Britain" derives from Greek and Latin names probably stemming from Celtic origin. The people of the United Kingdom, the British are a mixed race. Before 1100 A.D. (Anno Domini), a series of invasions took the inhabitants of several other countries to Britain. Iberian, Mediterranean and Alpine people went to Britain at the dawn of British history, several thousand years before Christ. Between 700 and 600 B.C. (before Christ), the Celts from North-West Germany and the Netherlands began to cross the sea to Britain.

From 43 to 41 A.D., Britain was occupied by the Romans, but their numbers were small, they intermarried very little with the natives. The Angels and Saxons from south Denmark and North Germany began to invade Britain almost as soon as the Romans left. The Celts fled to North Scotland, Wales and Ireland. Some of them went to (Armorique) and gave it the name "Britain", the Vikings from Denmark and Norway invaded England in the ninth century, and settled in the East and the East midlands. The Normands led the last invasion of Britain in 1066, and Duke William of Normandy became the King of England. When England has conquered the Ireland in 1175, it assured its domination on the Wales in 1284. In 1707 the Union act unified Scotland to England. In 1801, the Great Britain sealed its Union with Ireland and became The United Kingdom of Great Britain and Northern Ireland.

The social and economic crisis of 1920 leads to protectionism and the great part of the Ireland (the Irish) became a free state in 1922. Northern Ireland remains part of the United Kingdom. The English of today are, therefore a people of Germanic and Scandinavian blood, mixed with the little of the Mediterranean blood of the early Iberian Settlers, and the small amount of French blood added by the Normands.

Basically, the United Kingdom of Great Britain and Northern Ireland is a constitutional monarchy. English is the principal language. Pound Sterling is its money. Its population was estimated to 59,000,000 inhabitants in mid – 1997 of which 90% are Anglicans and Protestants according to the Office for National Statistics, Eurostat.

The political characteristics of the United Kingdom started with single Kingdom of England basical system. It later included Scotland, Wales and Northern Ireland particularities, all based on statute law, common law and conventions.

### **3-2- The Legal System in the United Kingdom**

England and Wales and Northern Ireland all have their own legal systems; with considerable differences as far as law organization and practice are concerned. All three have separate prosecution, prison and police services. Crime prevention policy and non-custodial treatment for offenders is very similar through Britain. There are different Civil Court and Civil Law systems in England and Wales and Scotland. Then Northern Ireland's system is in many ways similar to the English and Welsh model.

### **3-3- The Staff of the Law**

#### **3-3-1-Judges**

Judges are not subject to ministerial direction or control. They are normally appointed from practising barristers, advocates (in Scotland), or solicitors. More serious cases are heard by judges in the Crown Courts (for criminal cases) or the County Courts (civil cases). In civil cases and in cases where the defendant has pleaded guilty, the judge sits alone without a jury, and after hearing the case, makes a decision or judgment. In England and Wales, if the person accused of a crime pleads not guilty, he or she is tried before a jury. When the evidence has been heard, the judge goes over the facts of the case (summing – up) and explains the law to the jury. If they find the accused guilty, the judge passes sentence, that is, decides what the punishment should be.

#### **3-3-2-Magistrates**

Lay magistrates in England and Wales and Scottish District Court justices are trained mostly by the clerk of the Court to give them sufficient knowledge of the law, including the rules of evidence and of the nature and purpose of sentencing. They don't need legal qualifications. Less serious criminal and civil cases are dealt with in the magistrates' courts, where there is no jury but a case is usually

heard by two or three magistrates. Most magistrates, also known as justices of the peace, work part time and are not paid.

When they have heard the case, the magistrates reach a verdict and where necessary decide what the punishment should be. Magistrates also decide what should happen to somebody between the time they are arrested and the time when the case is heard in court. They may grant bail, which means they may allow the person to be free until the trial, if a sum of money is paid. Or they may remand her or him in custody, what means keep the person in prison until the trial. In Northern Ireland, members of a panel who serve in juvenile courts undertake training courses; while resident magistrates are drawn from practising solicitors or barristers which are the two branches of the legal profession.

### **3-3-3-Solicitors**

They are lawyers who undertake legal business for individual or corporate (companies) client. They also act as advocates, representing clients in court. In Scotland, solicitor-advocates were introduced to the higher Courts in May 1993. Before first appearing there, they have to complete satisfactorily the relevant examination and training requirements.

### **3-3-4-Barristers**

They used to be only lawyers allowed to appear as advocates in the higher Courts. They advise on legal problems submitted through solicitor and present the cases in the higher Courts.

One advocate (the counsel for prosecution) tries to prove in court that the accused committed the crime. The advocate representing the defendant (the counsel for the defense) tries to show that he or she is innocent. They call witnesses and question them about the facts of the case.

Certain functions are common to the barristers and the solicitors, for example, presentation of cases in the lower courts. Although people are free to conduct their own cases, most people prefer to be legally represented, especially in more serious cases.

Legislation in 1990 was designed to stimulate the development of good quality legal services for clients in Great Britain by lifting restrictions on who can provide these services. The Law Society, which represents solicitors in England and Wales, has applied to extend their rights of audience to the higher courts. The 1990 legislation also contains provisions which would allow building societies, banks and other financial organizations to offer conveyancing and probate service under a scheme providing new safeguards to clients. People will also be able to negotiate a form of (no win, no fee) agreement with their legal advisers in certain types of case in due course. The implementation of these provisions is subject to parliamentary approval.

Complaints systems against solicitors and barrister are backed up by legal services Ombudsman for England and Wales, who conducts investigations into the way the professional bodies handle these complaints. There is a separate Ombudsman for Scotland.

### **3-3-5-The jury**

In England and Wales for example, the jury is made up of twelve ordinary people aged between 18 and 65. When they have heard the evidence and the judge's summing-up, they retire to a special room to decide whether to return a verdict. If no more than two people disagree, the judge may ask for a majority verdict. If the accused is found guilty, he or she has the right to appeal and ask for the case to be heard by a higher Court.

## **2-3- CHAPTER FOUR: Corruption in Judicial System.**

### **4-1- Different Scales**

Corruption can occur on many different scales. There is corruption that occurs as small favours between a small number of people (petty corruption), while there is the corruption that affects the government on a large scale (grand corruption), and corruption that is so prevalent that it is part of the everyday structure of society (systemic corruption).

#### **4-1-1-Petty**

"Petty" corruption occurs at a smaller scale and occurs within established social frameworks and governing norms. Examples include the exchange of small improper gifts or use of personal connections to obtain favors. This form of corruption is particularly common in developing countries and where public servants are significantly underpaid.

#### **4-1-2-Grand**

"Grand" corruption is defined as corruption occurring at the highest levels of government in a way that requires significant subversion of the political, legal and economic systems. Such corruption is commonly found in countries with authoritarian or dictatorial governments and in those without adequate policing of corruption by anti-corruption agencies.

The government system in many countries is divided into the Legislative, Executive and Judiciary branches in an attempt to provide independent services that are less prone to corruption due to their independence.

### **4-1-3-Systemic**

Systemic corruption (or endemic corruption) is corruption which is primarily due to the weaknesses of an organization or process. It can be contrasted with individual officials or agents who act corruptly within the system.

Factors which encourage systemic corruption include conflicting incentives, discretionary powers; monopolistic powers; lack of transparency; low pay; and a culture of impunity. Specific acts of corruption include "bribery, extortion, and embezzlement" in a system where "corruption becomes the rule rather than the exception." Scholars distinguish between centralized and decentralized systemic corruption, depending on which level of state or government corruption takes place; in countries such as the Post-Soviet states both types occur.

### **4-2- Different Sectors**

Corruption can occur in many different economic sectors, whether it is public or private industry or even NGOs.

#### **4-2-1- Government/Public Sector**

Public sector corruption is one of the more dangerous forms of corruption as corruption of the governing body can lead to widespread effects. Recent research by the World Bank suggests that who makes policy decisions (elected officials or bureaucrats) can be critical in determining the level of corruption because of the incentives different policy-makers face.

#### **4-2-2- Legislative System (Political)**

Political corruption is the abuse of public power, office, or resources by elected government officials for personal gain, e.g. by extortion, soliciting or offering bribes. It can also take the form of office holders maintaining themselves in office by purchasing votes by enacting laws which use taxpayers' money.

#### **4-2-3- Executive System (Police)**

Police corruption is a specific form of police misconduct designed to obtain financial benefits, other personal gain, and/or career advancement for a police officer or officers in exchange for not pursuing, or selectively pursuing, an investigation or arrest. One common form of police corruption is soliciting and/or accepting bribes in exchange for not reporting organized drug or prostitution rings or other illegal activities. Another example is police officers flouting the police code of conduct in order to secure convictions of suspects for example, through the use of falsified evidence. More rarely, police officers may deliberately and systematically participate in organized crime themselves. In most major cities, there are internal affairs sections to investigate suspected police corruption or misconduct. Similar entities include the British Independent Police Complaints Commission. (*Police corruption*)

#### **4-2-4- Judiciary System**

Judicial Corruption refers to corruption related to misconduct of judges, through receiving or giving bribes, improper sentencing of convicted criminals, bias in the hearing and judgment of arguments and other such misconduct.

Governmental corruption of judiciary is broadly known in many transitional and developing countries because the budget is almost completely controlled by the executive. The latter undermines the separation of powers, as it creates a critical financial dependence of the judiciary. The proper national wealth distribution including the government spending on the judiciary is subject of the constitutional economics.

It is important to distinguish between the two methods of corruption of the judiciary: the government (through budget planning and various privileges), and the private.

#### **4-2-5- Corporate**

As corporations and business entities grow larger, sometimes with a monetary turnover many times that of small countries, the threat of corruption in the business world, within the organization, in dealings with other organizations and in dealings with the government is a looming and growing threat.

Companies may indulge in political corruption.

#### **4-2-6- Unions**

Labour unions were formed to protect and further the rights of employees via collective bargaining. However, as with other entities, corruption has been known to happen within the organizations. In addition, some unions have been infiltrated by, or associated with organized crime syndicates.

#### **4-2-7- Non-Government Organizations**

NGOs and other non-profit organizations are not immune to corruption and may be linked to political corruption.

### **4-3- Methods of Corruption**

Corruption can occur in many ways. The use of both positive and negative inducements to encourage the misuse of power is well known. In addition, favouring of friends, relatives and cronies in a way that is not directly beneficial to the corrupt individual is a form of corruption. In systemic corruption and grand corruption, multiple methods of corruption are used concurrently with similar aims.

#### **4-3-1- Bribery**

Bribery is the improper use of gifts and favours in exchange for personal gain. This is also known as kickbacks or, in the Middle East, baksheesh. It is the most

common form of corruption. The types of favours given are diverse and include money, gifts, sexual favours, company shares, entertainment, employment and political benefits. The personal gain that is given can be anything from actively giving preferential treatment to having an indiscretion or crime overlooked.

Bribery can sometimes be part of a systemic use of corruption for other ends, for example to perpetrate further corruption. Bribery can make officials more susceptible to blackmail or extortion.

#### **4-3-2- Embezzlement, Theft and Fraud**

Embezzlement and theft involve someone with access to funds or assets illegally taking control of them. Fraud involves using deception to convince the owner of funds or assets to give them up to an unauthorized party.

Examples include the misdirection of company funds into "shadow companies" (and then into the pockets of corrupt employees), the skimming of foreign aid money, scams and other corrupt activity.

#### **4-3-3- Extortion and Blackmail**

While bribery is the use of positive inducements for corrupt aims, extortion and blackmail centre on the use of threats. This can be the threat of violence or false imprisonment as well as exposure of an individual's secrets or prior crimes.

This includes such behaviour as an influential person threatening to go to the media if they do not receive speedy medical treatment (at the expense of other patients), threatening a public official with exposure of their secrets if they do not vote in a particular manner, or demanding money in exchange for continued secrecy.

#### **4-3-4- Abuse of Discretion**

Abuse of discretion refers to the misuse of one's powers and decision-making facilities. Examples include a judge improperly dismissing a criminal case or a customs official using their discretion to allow a banned substance through a port.

#### **4-3-5- Favoritism, Nepotism and Clientelism**

Favoritism, nepotism and clientelism involve the favoring of not the perpetrator of corruption but someone related to them, such as a friend, family member or member of an association. Examples would include hiring a family member to a role they are not qualified for or promoting a staff member who belongs to the same political party as you, regardless of merit. Some states do not forbid these forms of corruption.

#### **4-3-6- Improper Political Contributions**

This is the use of contributions to political parties to secure illicit power, not because one favors their policies. An example would be tobacco or alcohol companies funding major political parties as a means of influencing the policing of their industry.

It can be difficult to differentiate between proper and improper use of political contributions.

#### **4-3-7- Legality**

Though corruption is often viewed as illegal, there is an evolving concept of legal corruption, as developed by Daniel Kaufmann and Pedro Vicente. It might be termed as processes which are legal (that is, specifically permitted, or at least not proscribed by law), but which are aimed at private gain (or the gain of narrow self interests) rather than benefitting all.

#### **4-4- Corruption in Judicial System in the UK.**

There are two types of corruption that most affect judiciaries: political interference in judicial processes by either the executive or legislative branches of government, and bribery.

##### **4-3-1-Political Interference in Judicial Processes**

A dispiriting finding of this research work is that despite several decades of reform efforts and international instruments protecting judicial independence, judges and court personnel around the world continue to face pressure to rule in favour of powerful political or economic entities, rather than according to the law. Backsliding on international standards is evident in some countries. Political powers have increased their influence over the judiciary. In some countries, a pliable judiciary provides ‘legal’ protection to those in power for dubious or illegal strategies such as embezzlement, nepotism, crony privatizations or political decisions that might otherwise encounter resistance in the legislature or from the media. Political interference comes about by threat, intimidation and simple bribery of judges, but also by the manipulation of judicial appointments, salaries and conditions of service. In London, Judges who are thought ‘too’ independent are penalized and transferred to distant locations. Judges were pressured to step down without being informed of the allegations against them in an anti-corruption campaign that was widely seen as politically expedient. In every country all over the world, Judges perceived as problematic by the powerful can be resigned from sensitive positions or have control of sensitive cases transferred to more pliable judges. Therefore, the key to preventing this type of corruption is constitutional and legal mechanisms that shield judges from sudden dismissal or transfer without the benefit of an impartial inquiry. This protection goes much of the way toward ensuring those courts, judges and their judgments are independent of outside influences. But it

can be equally problematic if judges are permitted to shelter behind outdated immunity provisions, draconian contempt laws or notions of collegiality. Then, what is required is a careful balance of independence and accountability, and much more transparency than most governments or judiciaries have been willing to introduce. Judicial independence is founded on public confidence. The perceived integrity of the institution is of particular importance, since it underpins trust in the institution. Until recently, the head of the British judiciary was simultaneously speaker of the UK upper house of parliament and a member of the executive, which presented problems of conflict of interest. In United States for instance, judicial elections are marred by concerns that donations to judges' election campaigns will inevitably influence judicial decision making. Judicial and political corruptions are mutually reinforcing. Where the justice system is corrupt, sanctions on people who use bribes and threats to suborn politicians are unlikely to be enforced. The ramifications of this dynamic are deep as they deter more honest and unfettered candidates from entering or succeeding in politics or public service.

#### **4-3-2-Bribery**

Bribery can occur at every point of interaction in the judicial system: court officials may extort money for work they should do anyway; lawyers may charge additional 'fees' to expedite or delay cases, or to direct clients to judges known to take bribes for favorable decisions. For their part, judges may accept bribes to delay or accelerate cases, accept or deny appeals, influence other judges or simply decide a case in a certain way. Through our research work, I find detail on how lengthy adjournments force people to pay bribes to speed up their cases. When defendants or litigants already have a low opinion of the honesty of judges and the judicial process, they are far more likely to resort to bribing court officials, lawyers and judges to achieve their ends. It is important to remember that formal judiciaries handle only a fraction of disputes in the

developing world; traditional legal systems or state-run administrative justice processes account for an estimated 90 per cent of non-legal cases in many parts of the globe. Most research on customary systems has emphasized their importance as the only alternative to the sluggish, costly and graft-ridden government processes, but they also contain elements of corruption and other forms of bias. For instance in the Northern Ireland, fees are extorted from complainants by ‘touts’ who claim to be able to sway the decisions of a *shalish* panel of local figures called to resolve community disputes and impose sanctions on them. Furthermore, women are unlikely to have equal access to justice in a customary context that downplays their human and economic rights.

#### **4-5- Cases of Corruption**

The entire criminal justice system was infiltrated by organized crime gangs, according to a secret Scotland Yard report leaked to *The Independent*.

In 2003 Operation Tiberius found that men suspected of being Britain’s most notorious criminals had compromised multiple agencies, including HM Revenue and Customs, the Crown Prosecution Service, the City of London Police and the Prison Service, as well as pillars of the criminal justice system including juries and the legal profession.

The strategic intelligence scoping exercise “ratified by the most senior management” at the Met uncovered jurors being bought off or threatened to return not-guilty verdicts; corrupt individuals working for HMRC, both in the UK and overseas; and “get out of jail free cards” being bought for £50,000.

The report states that the infiltration made it almost impossible for police and prosecutors to successfully pursue the organized gangs that police suspected controlled much of the criminal underworld.

The author of Tiberius, which was compiled from intelligence sources including covert police informants, live telephone intercepts, briefings from the security

services and thousands of historical files, came to the desperate conclusion: “Quite how much more damage could be done is difficult to imagine.”

The fresh revelations come a day after The Independent revealed that Tiberius had concluded the Metropolitan Police suffered “endemic police corruption” at the time, and that some of Britain’s most dangerous organized crime syndicates were able to infiltrate New Scotland Yard “at will”.

In its conclusions, the report stated: “The true assessment of the damage caused by these corrupt networks is impossible to make at this stage, until further proactive scoping has been undertaken.

“However a statement by an experienced SIO [senior investigating officer] currently attached to give some indication of the depth of the problem in east and north-east London: ‘I feel that at the current time I cannot carry out an ethical murder investigation without the fear of it being compromised.’

“The ramifications of this statement are serious and disturbing and provide a snapshot of the current threat to the criminal justice system. Additionally the fact that none of these syndicates have been seriously disrupted over the last five years provides an insight into the effectiveness of their networks.”

In one case identified by Tiberius, a leading criminal was acquitted of importing cannabis after he allegedly “bought” members of the jury hearing his case. A named police officer “was involved in some way or another”, according to the report.

Tiberius also revealed the Met was concerned at the time with a national newspaper story on the ability of the Adams family to escape the law by penetrating the criminal justice system.

In 1998, police appeared to have finally made a breakthrough when Tommy Adams was jailed for more than seven years for importing cannabis.

However, the article cited by Tiberius stated that the “only reason the Adams family had allowed the prosecution to succeed and had not resorted to bribery or

intimidation to thwart it was because the other brothers wanted to teach Tommy a lesson for getting involved in crimes they had not authorized”.

The article concluded: “Witnesses terrified into silence, dodgy jurors, bent lawyers, bent policemen and bent CPS clerks all are part of the same cancer eating away at justice. A cure for the malady will not be easy to come by. Perhaps we should begin by acknowledging that the patient is sick.”

Tiberius disclosed that the Met interviewed the journalist who wrote the story after the murder of ScollyNahome, a money launderer credited as the “brains” behind the Adams’ criminal empire. The reporter stated one of her journalistic sources on the family was a corrupt police officer but did not disclose who it was.

Another case of corruption beyond the Met, identified by Tiberius, included intelligence of alleged foul play within HMRC, which is supposed to lead the UK’s fight against white-collar crime such as money laundering.

In 2000, according to Tiberius, a key police informant was secretly helping Scotland Yard with an investigation into the importation of £10m of heroin by a Turkish gang in north London.

The deal went wrong, the informant was tortured in a cellar and “an attempt was made to sever his fingers with a pair of garden shears”. His associate was also attacked and had “three fingers chopped off with a machete”.

The henchman Tiberius alleged had committed the assaults was the son of a named Met detective, who repeatedly tried to impede police inquiries into the case, according to Tiberius. He also had a corrupt relationship with a named detective sergeant, then based in Marylebone police station that is suspected to have “organized cheque frauds”. Research conducted by The Independent suggests that none of the three men has ever been prosecuted.

The Turkish drug dealer was later convicted and told police he was an HMRC informant. He said he knew of “corrupt contacts within the police” and had a Cyprus-based customs officer as a handler who “took money off him”.

Alastair Morgan, whose brother Daniel was murdered in 1987 before he could expose links between Met officers and organized crime, told The Independent: “Despite all the protestations by police that things have changed since the ‘bad old days’.

“The police have no desire to tackle this. It would be too damaging to have it all aired in open court. The Met is a highly political organization.”

Scotland Yard said: “[We] will not tolerate any behaviour by our officers and staff which could damage the trust placed in police by the public. We are determined to pursue corruption in all its forms and with all possible vigour. All such allegations and intelligence are taken extremely seriously.”

#### **4-6- Causes**

Corruption, as it has been said, a practice marked by the dishonest and improper use of one’s power or position to make money illegally, or an achievement of human aspirations, wealth and power through illegal means. During my research work, I can notice that there many causes which generally lead the bribers to practise their improper activity. Some of these causes are poverty, family pressure, excessive ambitions, impunity, low wages and easy money.

#### **4-6-1-General Causes**

##### **4-6-1-1- Poverty**

The major and foremost cause why some British live through corruption is the poverty. For, once in a position which they have never dreamt of occupying in their lives due to their social status, that is their poverty, they are then bound to embezzle, to accept bribe, in a nutshell, to live through corruption so that they can fulfill all their “hidden desires”.

#### **4-6-1-2- Family Pressure**

Family pressure is the reason why some civil servants are obliged to live through corruption or to accept bribery to live up to their family's pressure.

#### **4-6-1-3- Excessive Ambitions**

Excessive ambition is a root cause why some British leaders embezzle public fund and accept bribery whoever offer it to them. Though they have already the essential to be happy with their families, they are not satisfied with it and want to have more and more again.

#### **4-6-1-4- Impunity and Easy Money**

The great silence of the legislators and judiciaries about the dangers of the wealth and the economy of the nations leads the latter to feel free in doing and enjoying their dishonest activity. Though there are laws which punish such criminal activities, those in charge to enforce the laws have been turned into an occasional blind and dumb men who pretend they are not seeing and hearing anything, for those bribers are their friends, relatives, brothers from whom they receive bribe. As a consequence, the bribers do not worry and continue perpetrating their immoral activities.

#### **4-6-2-In the Judicial System**

The few studies conducted suggest that the causes of corruption in the judiciary system vary significantly from State to State. Some of the possible causes of corruption in the Great Britain, especially in the judicial system, include low remuneration and the administrative nature of the roles of judges, far reaching discretionary powers and weak monitoring of the execution of those powers. Factors which engender judicial abuse of power also create an environment where whistle blowing is unlikely, given the extensive power and authority of the individuals involved. The lack of transparency and the absence of

comprehensive and regularly updated databases further worsen the effects of corruption in the judiciary. Such situations easily lend themselves to inconsistencies in the application of the law and make it much more difficult to identify patterns, trends or individual cases in which incorrect or anomalous results suggest the possibility of corruption. Inconsistencies might arise not only with regard to the substance of court decisions, but also with respect to court delays, fostered by the absence of time standards and their close monitoring. The lack of computer systems is one of the main causes for inconsistencies, according to Latin American lawyers and judges.

Indicators of corruption, as perceived by the public, include: delay in the execution of court orders; unjustifiable issuance of summons and granting of bails; prisoners not being brought to court; lack of public access to records of court proceedings; disappearance of files; unusual variations in sentencing; delays in delivery of judgments; high acquittal rates; conflict of interest; prejudices for or against a party witness, or lawyer (individually or as member of a particular group); prolonged service in a particular judicial station; high rates of decisions in favour of the executive; appointments perceived as resulting from political patronage; preferential or hostile treatment by the executive or legislature; frequent socializing with particular members of the legal profession, executive or legislature (with litigants or potential litigants); and postretirement placements.

#### **4-7- Manifestation of Corruption**

The freedom of choice is the key aim of any democratic state and this principle has been developing from ages. The person is forced, by circumstances or by desires, to make a choice between what is right and what is easy. Nowadays it is not difficult to pick an easy way and never regret about the consequences, though those are not favorably impressing. Good and evil are the two sides of

one pole that keep the universe in movement. A misbalance may bring a lot of matters onto the surface that are more than shocking. An average individual is subjected to stress, various social interactions that can either carry a positive experience, or misleading conclusions and they put together force people to make decision that are easy but not right. A common thing nowadays that leads to another wave of stress and nightmares.

In the English language a linguist may find a good word, that correspond best to the state of things that are described with fear nowadays. This word is corruption and the definitions of it vary. The first is the state of decay, decomposition of any live matter on the Earth. Politicians, economists and other representatives define it implantation of illegal ways into the solid system for personal gain. There are so many manifestations of corruption that it is rather difficult to group them. The main are bribery, embezzlement, extortion, nepotism and other ways to corrupt the generally accepted system. Bribery is a crime that involves the offer or acceptance of money or other valuable matters in order to influence or take in control the sequence of actions involving the person that is in public duty. Embezzlement is the falsified ownership of property without the former agreement with the owner. Extortion is a criminal offense, which involves extortion money by threatening the subject by harming him, his property or the range of his acquaintances. Nepotism involves the favor of relatives and other close individuals in public matters. These types of corruption are more or less present in any independent state, regardless their political regime and religious believes.

There are no existing ways to exclude corruption from the system. There are still public scientists working on special features of this social phenomenon.

Common sense is most likely to betray when there is a possibility to become

wealthier and more powerful. There are some actions taken to bring up good citizen, but nothing can go against human nature but the very soul and heart.

#### **4-8- Impacts**

Corruption is undermining justice in many parts of the world, denying victims and the accused the basic human right to a fair and impartial trial. This is the critical conclusion of TI's *GlobalCorruption Report 2007*.

Corruption can act in favour of both corrupt and the corruptor.

In fact, corruption helps the briber have a rapid access to the demanded services. It helps some people in winning cases despite the gravity of the cases. It also allows people to win at lottery. At the same time, it helps the corrupt individual get interests.

It is difficult to overstate the negative impact of a corrupt judiciary: it erodes the ability of the international community to tackle transnational crime and terrorism; it diminishes trade, economic growth and human development; and, most importantly, it denies citizens impartial settlement of disputes with neighbours or the authorities. When the latter occurs, corrupt judiciaries fracture and divide communities by keeping alive the sense of injury created by unjust treatment and mediation. Judicial systems debased by bribery undermine confidence in governance by facilitating corruption across all sectors of government, starting at the helm of power. In so doing, they send a blunt message to the people: in this country corruption is tolerated.

##### **4-8-1-Impact on Investment**

Corruption's adverse impact on private investment, both domestic and foreign, is considered to be particularly harmful for a developing economy. Bribes may have to be given before any investment takes place and upon entering into

negotiations for the establishment of an enterprise. More payments usually follow in the process of setting up the business. Procurement of leases for land and buildings; permission to engage in activities such as production, transport, storage, marketing, distribution, import and export; obtaining connections for water, gas, electricity, and telephone; having access to telex, fax and e-mail facilities and so on; can involve payment of substantial bribes at various stages and may require the services of agents with specialized expertise on how to get around complex rules and procedures to acquire these things. Unfortunately, these agents and middlemen, instead of being part of the solution can often become a part of the problem. Their services do not come cheaply and they add to the cost and complexity of doing business under a corrupt regime.

Then, when the enterprise is finally established and up and running, corrupt officials may demand cuts from the firm's earnings. Moreover, in order to establish and maintain good public relations, and for continued viability of the enterprise as a business concern, entrepreneurs may have to contribute to all sorts of charities and worthy causes that are unrelated to their line of work.

Bribe payments constitute a form of tax on enterprises. But they represent a pernicious type of tax as bribery deals have to be struck in a surreptitious way and bribe-givers cannot always be certain that bribe-takers will live up to their part of the bargain. It is also a regressive form of tax. Its burden falls more heavily on small businesses in trade and service sectors as these small entrepreneurs normally do not enjoy political patronage. Hence, corruption not only raises the initial costs of investment but by substantially increasing risks and uncertainty for a venture, can significantly reduce the incentive to invest.

For a poor country, talented local business people, managers, entrepreneurs, and industrialists represent a scarce and valuable resource. Their talents should not be wasted in rent seeking activities. They should be doing productive work. For them to invest and engage in productive work will require not only political

stability but economic stability as well as a measure of predictability and honesty on the part of the government.<sup>4</sup> Surveys have also revealed that business people have to spend a lot of management time in discussions, negotiations and waiting for appointments with bureaucrats and public officials in corrupt regimes than in countries where there is less corruption (Gray and Kaufmann *op. cit.*).

As for foreign direct investment (FDI), the benefits it can bring to a developing country are well known. FDI helps augment the much needed capital resources in a poor country. What is more important, it can also bring technology, knowhow and managerial and marketing skills that improve a country's international competitiveness, help develop valuable market outlets abroad, and strengthen foreign contacts and broaden the outlook of its business community. Moreover, foreign investment can increase employment opportunities, assist in improving labour skills, and can produce useful goods and services for the domestic market. It can also be crucial in building modern infrastructural facilities, establishing reliable energy generating and distributing systems, setting up high technology communication networks, providing efficient transport links with the rest of the world and in developing capital markets and business and financial services which are essential for a country to become a modern, developed nation. In short, FDI can play an important role in assisting a country to modernize and to more fully develop its productive potential.

The above advantages of FDI will be forthcoming to a country only if it provides a conducive climate for foreign investment. FDI will not come in a big way where policies are unclear and inconsistent, relevant and reliable economic information and data to plan and make sound business decisions are hard to come by, and the courses of action and measures the government is likely to pursue on the major issues facing the economy are difficult to fathom and to predict. Long term investment decisions cannot be taken under such conditions.

Both the quantity as well as quality of foreign capital inflows into the country will therefore be adversely affected. The type of investment that foreigners would be willing to undertake in this uncertain economic climate would mostly consist of activities to exploit the country's natural resources or to engage in quick yielding ventures that have little beneficial spread effects and backward and forward linkages with the domestic economy. Investments in setting up facilities to assemble, package and label imported parts and components for export represent a good example. These activities bring little in the way of local value added, or in imparting skills and technology to help a poor country in its industrialization effort.

At a more fundamental level, corruption makes it difficult for a low income country to establish and maintain domestic and internationally acceptable "rules of the game" which are necessary for orderly and proper conduct of investment and business activities. This deficiency is believed to be an important reason why the least developed countries in the world are poor. It is also believed to be a reason why some of them will remain that way.

#### **4-8-2-Effect on the Government Budget**

Corruption can have undesirable consequences on both the revenue and expenditure sides of the government budget. The consequences on the revenue side are more familiar. Paying bribes to reduce taxes, fees, dues, custom duties and public utility charges such as for water and electricity, are common in many countries. Bribes are also used to make illegal water, electricity, gas and telephone connections to have access to these facilities without paying for the services obtained. All these result in serious losses of revenue for the government. Fraud, embezzlement and misappropriation of public funds add to the losses.

The consequences on the expenditure side are more insidious. Corruption adversely affects the composition of government expenditure. This is because large benefits can be realized from corrupt deals on expenditure items that are expensive, whose costs are not readily apparent, and which are considered to serve some high national priority concern so that they have to be undertaken in a discreet and secretive way. Purchase of jet fighter aircraft, for example, ideally meets these requirements.

This item is costly, it is not something that one can buy in a supermarket and find out its price, and it is required to safeguard national security a high national objective which no one wants to compromise or to appear unpatriotic by questioning its usefulness. Moreover, acquisition of fighter jets is politically sensitive and hence the deal has to be handled with considerable discretion. Large and expensive projects whose costs are hard to determine, but with huge potential for kickbacks and economic rent are also good candidates for corrupt deals and hence for inclusion in the national budget. On the other hand, not much money can be made by spending on teachers' salaries, in buying school textbooks, or on projects on rural preventive health care or training programmes to meet a shortage of a vital labour skill in industry. Corrupt regimes therefore tend to devote a large share of their national budget expenditures on acquiring sophisticated military hardware and on large projects, and less on education and health, and on other priority needs that would contribute towards overcoming critical bottlenecks in the economy and help ease hardships that most ordinary people face in their daily lives.

#### **4-8-3-Social Costs**

In any society, there are laws and regulations to serve social objectives and to protect the public interest, such as building codes, environmental controls, traffic laws and prudential banking regulations. Violating these laws for

economic gain through corrupt means can cause serious social harm. There are many instances of this throughout the Britain and all over the world.

For example, there have been numerous cases where soil erosion, resulting from illegal logging, has led to whole villages being washed down hill sides in flash floods or buried in mud slides, taking a heavy toll in lives. Violating building codes through the connivance of corrupt officials and building contractors has resulted in collapse of apartment buildings, department stores and hotels in some countries. Failure to observe proper fire prevention and safety regulations has caused supermarkets, hotels and discos, filled with shoppers and customers to go up in flames. Overloaded ferries and passenger ships have sunk in seas and rivers all over the region. Paying bribes to operate un-roadworthy and poorly maintained public vehicles have led to accidents on the highways and buses plunging down ravines and gorges due to mechanical failure are common in many countries.

There has also been growing concern over corruption in large infrastructure projects such as dams and bridges. A huge project, estimated to cost over \$7 billion is a source of particular worry (UK, 9 April 1999). Shoddy workmanship, use of substandard materials and disregard for proper design and engineering specifications, due mainly to corruption, have caused bridges to collapse and dams to burst, resulting in heavy loss of life and property. Obscure insider trading practices and financial scams that can result from poorly supervised financial systems also have serious economic and social consequences. People have lost their life savings and fortunes in financial scams. This has led to massive street demonstrations and civil unrest in several east European countries. Lack of transparency, shady deals and corrupt practices have also been a contributing factor to the financial and macroeconomic crisis that has swept across many other countries.

## **CHAPTER FIVE: Comment on Corruption in Judicial System.**

Our study focused on the problems of corruption in judiciary system.

### **5-1- Comment on the Impacts.**

Some judges were caught cheating when they were taking some examination to get a promotion. Mind you these are judges who themselves give all sorts of judgments over other innocent and guilty people.

What is the root cause for corruption in the judiciary?

Is it because people take to law as a career only because they failed in getting into anything else as a career?

Is it possible that the bright students who studied well because studies require a disciplined mind made something of themselves; became Engineers, Doctors, Scientists, Bank officers, IAS people, Software engineers and the rest who could not do all this for various reasons of them some chose law. They could either choose law or call center and anyways everyone knows call center is a dead end career so they chose law.

Is it because it is these morally failed guys who get into law as a career that we have corruption in the legal profession?

First of all, come out of myth that law professionals are worthless lot. They are like medical practitioners, whose duty is to guide people and court to truth and justice. Unluckily, a fraction of these professionals like any other professionals e.g. Doctors, IAS Officers, IPS Officers, Politicians has become corrupt and vulnerable to personal greeds, heeds and deeds. Values in society has eroded and so the outcome of society in form of these professionals. How many of us follow traffic rues when a traffic police man is not present. Answer is most of us. If such is the scenario in society, how can we expect better representatives in judiciary, that too in this consumer age, where money and power is the only status symbol in society?

A few exceptions like Mahatma Gandhi did exist. Law professionals are the last custodians in society but sorry to say they are failing us. Why? Who aspires to be Law professionals? To succeed in studies in school one needs discipline. Unfortunately we depend on such failures to save us.

Criminal and constitutional Violations, by the judiciary often include, but not limited to: Fraud, and Conspiracy to defraud, Obstruction of Justice, Endangering Children's Safety and Well- Being, Child abuse, Lying in official court documents, Falsifying court records, Threats against parties, Conspiracy to cover up fraud, Violations of Oaths of Office, with the Knowledge and Acquiescence of, and Cover up by the State's Appellate and Supreme Courts (and acquiescence of federal courts in cases federal suit is filed against said State judiciary and officials). In each State, ultimately, the State Chief Justice must bear responsibility for the criminal corruption of State judges under his/her watch.

#### **4-1- Comment on their Implication.**

A British university research study shows that “Children who spend time with their fathers have a higher IQ”. The Daily Telegraph, October 01, 2008. “Strong fatherly involvement in their early life can also improve a child's future career prospects, the research shows.” This has implications in terms of both cause and effect. In terms of cause, the forcible fatherlessness could reduce the IQ and prospects of vast number of children forcibly estranged from their fathers by the “mothers” with the connivance of the states and judicial system in order to reap financial incentives and profits. In terms of effect, this dumping down of the children and populace would achieve the desired control of them by the federal government and the states creating a new breed of proles for their One World Government.

Although corruption can occur at a variety of levels, attention has usually been directed at only two namely; the high and the low – and these are believed to reinforce each other.

High level corruption refers to misconduct at the top and by leading politicians. Since these people are generally well-off and have a lot of privileges associated with their high office, their corrupt behaviour is not attributable to low pay and out of necessity to meet the living expenses of their families. Instead, greed is considered a main motivating factor. But there are other compulsions. To remain in office, for example, can also be an overriding motivating force. With election campaigns becoming expensive, corruption related to campaign financing is a big political issue in some countries. The need to dispense favours among political allies, colleagues and subordinates to keep them happy, cooperative and loyal is another factor. Moreover, in some societies there are traditions and customs whereby elected officials are expected to make substantive contributions to the welfare of the people in constituencies that elect them. For instance, in some countries a politician is required by tradition to present an expensive gift at a wedding involving a supporter in his electoral district.

When such a community has a large number of wedding receptions, birthday parties, anniversaries, celebrations, rituals, festivals, and fund raising ceremonies for all sorts of worthy causes, the financial burden of these festivities can fall heavily on elected officials. And the higher up you are in the pecking order, the larger is the contribution you are expected to make by custom and long held traditions of the land. Hence, there are economic, political, social and cultural imperatives that motivate higher level bureaucrats to engage in rent seeking activities.

At the other end, low level corruption – such as the underhand payment that has to be made to a clerk to expedite the issue of a driving license – has its own set

of problems. In this case the general perception is that civil servants with insufficient salaries to meet the living expenses of their families are driven by necessity to engage in corrupt practices. Raising their pay, it is argued, will mean less need to depend on illegal activities to earn a living while they have more to lose if they get caught. This sounds reasonable and there are cases where countries that pay their civil servants well, tend to have less public sector corruption than in those where pay scales are low. But there is no hard evidence to suggest that low level public employees are less greedy than their superiors. The line between “need driven” and “greed driven” corruption is hard to draw and it is difficult to determine where one ends and the other begins. Thus, there are those who believe that increasing pay without other complementary measures is not likely to have a significant impact on reducing corruption. On the contrary, the cost to the government budget of paying employees more, may be much larger than the benefit that may result from reduced corruption.

Moreover, when no serious efforts are made to control inflationary pressures in a country, shopkeepers will take an increase in civil servant salaries as a sign for them to raise prices. Higher pay leading to higher prices and higher costs of living mean there is no increase in the “real” wage of government employees and no improvement in their welfare. But raising civil servants’ pay, by causing a general increase in prices, will lead to a deterioration of economic conditions for everybody. This illustrates the point that there is a need to control inflation, restore macroeconomic stability, address the underlying causes for destabilizing speculative behaviour, and to build confidence in the economy for the success of any reform measure.

Aside from encouraging corruption, low pay has other detrimental effects on the attitudes and performance of public employees. It contributes to reducing incentives, low morale, increased inefficiency, moonlighting and absenteeism and loss of self respect and dignity. As a result, some of these employees

become nasty, rude and indifferent in their dealings with the general public. They can be exasperating and create a lot of nuisance value to ordinary citizens. Under these circumstances, it is also hard to recruit and retain good workers as they will seek employment or leave to take up more challenging and higher paying jobs in the private sector or abroad.

Hence, rather than considering the matter only from the corruption point of view, a more wide-ranging civil service reform programme, including adjusting salaries to cover the living expenses of an average family when inflationary expectations have been brought under control, would need to be given careful and serious attention where such conditions prevail in a country.

## **CHAPTER SIX: Approach of Solutions**

### **6-1- Approach of Solutions to the Problems Raised by the Negative Impacts of Corruption in Judicial System in the UK.**

It is important to note that every citizen is a stakeholder in the national project and therefore has the responsibility to stem corruption in his or her sphere of influence and not only the British government or those in public offices as responsible for this situation. For, society as a whole is responsible for corruption when it occurs.

Therefore, the suppression of corruption is a national duty which begins when an individual becomes aware of it within himself or herself and works to curb it. All it takes is for us to train oneself to think and act right. It's important to understand that when a nation is corrupt, it isn't just the government that is corrupt. For, the government is only a picture or a reflexion of the hope.

Government or government officials, for example, aren't the only one who pays money to have a service be done out of the normal time it must take. Everybody has to take responsible and necessary action to stop these wrong doings. Each one of us must become the firebrand for the development of his country. From the top government official to the artisan on the streets, we can make a choice for a change.

Corruption is neither inevitable nor an artificial concern that has become the subject of crusade of wealthier nations. It is a serious obstacle to growth and development and, as such, must be fought vigorously.

But the government and its different institutions have an important role to play so as to step down the evil worm.

### **6-1-1- The Government (Executive)**

Corruption is more often the result of weak government. That is the reason why it is important that before it can be eradicated, the executive and its head must have the will to fight it. For the fight against corruption is first of all a political will.

Though the widespread, the phenomenon is not irremediable if the government has the will. As the saying: “Where there is a will, there is a way”. Corruption is a pathological condition which can and must be cured by all means, including deterrence, dismissal, incrimination and exposure for the protection of the integrity and rights of societies. The suppression of corruption requires also the absolute and permanent commitment of the political authority to fight against it and to prevent political interference in the affairs of public agencies and institutions. For, those involved in the improper activity are always political leaders or members of political parties which are closed to the executive who must take adequate measures and in such circumstances, the authority delays or prevent the judiciary process to protect the diggers.

Thus, the fight against the evil practice requires the strengthening of democracy, by preserving public funds and by ensuring that public contracts are awarded fairly, that tax and custom systems work properly, and that public assets are not misappropriated. That is why the fight against corruption needs the will of the executive otherwise the fight against it cannot be effective. The express desire of the government to fight corruption through the institutions of effective and concrete measure is a necessary precaution; because, fighting corruption is a difficult battle as it promotes the redistribution of wealth that benefits a limited number of individuals.

In addition, the government must undertake to apply preventive and remedial measures by implementing an anti-corruption mechanism based on a legal and

regulatory framework. In other words, this means drafting a national anti-corruption strategy that provides a general multi-year approach addressing specific sectors. The desire of states to fight corruption shall also be reflected in the payment of decent salaries to public officials especially the judicial ones. For, a state that cannot provide regular and suitable remuneration for its public officials will be incapable to act effectively against corruption. The government shall also establish an inter-ministerial inspection body whose members can intervene independently and require reporting of corruption activities on the part of officials.

In this respect, the executive needs the help of every citizen to denounce any evil malpractice within them; because the suppression of corruption is a national, even international duty which begins when an individual becomes aware of corruption within himself and curbs it. The citizens' everyday life must reflect an act of someone who wants to fight corruption. They must say "NO" to corruption. The suppression of corruption also begins when an individual becomes aware of it and tries to correct it. It begins when the state is aware of it and acts to suppress it in its institutions.

Hence, the confrontation of corruption is a joint responsibility that requires the combined effort of the state with its various administrative, judicial and security agencies and civil society and the people in general. For, fighting corruption is a continuing process related to multi-faceted moral and educational issues. The evil of corruption can be controlled through an education programme that recognizes the effects of corruption and its dangers at both the personal and public levels, then through transparency and liability, and then through punishment.

The executive must also pursue a policy of better governance by raising awareness among its partners of what is at stake in the anti-corruption drive. To put it in a nutshell, the government has a crucial role to play in this fight against the evil activity. But, we should mention that the executive is not the only organ which must be implicated in the fight against corruption.

### **6-1-2-The Legislative**

The foundation of a democratic state lies on the participation of the people in government. Such participation is incomplete except through public, direct, secret, free and fair election that achieve the validity, authenticity and legality of political representation.

Thus, working in National assembly is entrusted with national legislation and oversight. As faithful representatives of the people, Members of parliament are entrusted with safeguard of public interest. The members of the parliament's implication in the fight against corruption have to vote laws against the evil and all of its forms: bribery, embezzlement, theft and fraud, extortion and blackmail, abuse of discretion, favouritism, nepotism and clientelism, improper political contributions, conduct creating or exploiting conflicting interests, and the practice which consists of buying vote by corrupting people. Those attitudes must be punished seriously to protect the national economy and people in general.

Buying a vote for example is a debasement of a person, a violation of his/her dignity, and a falsification of his /her will and a distortion of democracy. Drafting legislation conducive to the realization of the public interest is a responsibility and a trust to be respected.

In this respect, the legislators, themselves, must not work to serve private aims and objectives; because it is a betrayal of the trust bestowed upon them by the population of their constituency and such a betrayal is one of the worst forms of corruption. Therefore, oversight of the work of government and public institutions is a trust, and condoning any of their mistakes for any reason whatsoever is a form of corruption and as such, must be punished. So National Assemblies in the United Kingdom must reinforce laws against corruption and all its different forms so as to protect the citizens and the economy.

The members of the parliament should also stop being on the command of the ruling class. For due to some cash prize or ministerial appointment, some Parliament Members betrayed their political members and join the ruling party to which they were an opponent.

Apart from the legislative, we also have the media, an organ which has an important role to play in the fight against the evil practice.

### **6-1-3-The Media**

To fight against corruption, the media also has their role to play. As democracy guarantees the freedom of speech, the media is free to effectively contribute to curb out corruption in every sector especially in the judicial system. As the fourth estate, their basic business is to work for lighting up of truth. Undoubtedly, there are dailies, periodicals, independent radios and televisions which are objective in the processing of information even though some are taxed with being in the pay of incredulous politicians. Serious newspapers and press reveal and criticize in their articles scandalous deals in high places. In the United Kingdom, there are a lot of critical newspapers who contribute to so much in the fight against corruption. A journalist must not take money from a corrupt politician to publish information. By doing so, he/she is not doing the right job.

#### **6-1-4-The Judiciary**

The rule of law defines a Stage in which the law is respected, a State in which the ruler and the ruled are subject to the law, a State in which the equality of all citizens before the law is assured. To rule with justice is a trust, and the judiciary is the bastion of justice in every society. It is the official, supreme and final authority to which people have recourse for their right claims. It is therefore clear that an independent and impartial judiciary be considered a safety valve in democratic societies which follow the principle of the separation of power.

But unfortunately, such is not what one notices in day-to-day of some British judiciary members. The judges who are the guardians of the law so that the security of the poor innocent people can be assured are accused of being in the pay of the same corrupt politicians. The justice swing, the innocent is accused because of some bank notes. The judiciary which is a bulwark against corruption of any type is turned into business center where the criminals are protected. As such, the population neither considers the decisions of the judiciary, nor has any confidence in them anymore. Therefore, the judges must let down such behavior and prove to the population they can still rely on them because the judiciary is a bulwark institution to fight against corruption by judging the corruptors and the diggers of the national economy.

The judiciary is also the guarantor of the rights whether material or moral of the innocent people. If corruption infiltrates the judiciary, this will mean the collapse of the confidence and exposure of rights to all sorts of violations and extortion. For, organized criminal networks generally attempt to cover up their illegal activities by enticing the judges into the trap of corruption, by attempting or bribing them. But the disdain shown by some judges and their rejection of falling into the pit of corruption preserve the inviolability of the laws and protect

the rights of the people and the integrity and stability of the society. And as such, they will always have the back up of the population.

Government efforts to control corruption have not produced a centralized strategy. However, the United Kingdom has had laws against corruption since the 19th century. Anti-corruption plans in the public sector tend to be statements of intent, rather than comprehensive programmes. The Civil Service Management Code contains advice for reducing corruption risks. In February 2013, the government outlined its policy on making public services simpler, clearer and faster for users, in an effort aiming mainly at efficiency but also at transparency and accountability in the delivery of public services

Legal provisions, at the national and international levels, continue to emphasize the independence of the judiciary. Technical assistance projects mainly deal with the building of professionalism and capacities within the judiciary. The challenges of *strengthening integrity through increased accountability of judges and the development of methodologies to clean up a corrupt judicial service remain neglected*. This is where the Centre for International Crime Prevention and Transparency International intends to make a difference. Even though judicial integrity is critical, only a few international institutions are currently focusing on this issue. Where this issue is dealt with, the typical approach has to do with reforming the judiciary from the outside, through the executive and/or focus on capacity, rather than the integrity of the judiciary. Uniquely, the approach mentioned in this research work has managed to attract the support of some key chief justices and high court judges from developed and developing countries. Trusting each other, the justices have joined in partnership for an international cause. With vast experience and expertise on the matter, they also have demonstrated their willingness to be self-critical and openly address highly sensitive issues. In this regard, they have focused upon the question of integrity

of their own institution, the judiciary, for the benefit of strengthening the judiciary across legal systems against corruption.

Corruption in the judiciary is a complex problem and needs to be addressed using a variety of approaches. In Wales, where 75 per cent of the population reportedly distrusts the judicial system, a US \$120 million reform programme aims at, *inter alia*, eliminating corruption by opening up the system, with public trials, oral arguments, public prosecutors and citizen juries.

However, in many countries where these are standard features of the system, the judiciary is nonetheless perceived to be corrupt. In Britain, consequent to donor-driven reform initiatives, more and better equipped courts have been established and judges' salaries have been increased, but the public continues to consider the judges corrupt. The phenomenon of corruption needs to be revisited. A right balance needs to be achieved between autonomy in decision-making and independence from external forces on the one hand, and accountability to the community on the other.

Any approach to judicial integrity must also contain measures to restore public trust and the credibility of the judiciary in the UK. Eliminating judicial corruption alone is not enough if courts and judges are still seen as corrupt or incorrect by litigants and the general population. Public is essential to eradicate corruption, because people will not come forward or speak out until they trust the system to protect their interests.

## **6-2- Other Suggestions**

In view of all that has been said about corruption in this research work, I would like to make some suggestions in order to control the evil, dishonest and immoral activity.

Fighting corruption is a continuing and a joint responsibility that requires the combined effort of everybody as the individual. That is to say, the civil society, the Non Governmental Organization (NGO) and the state as a whole

The fight against corruption must be a personal affair and each person must have the will to eradicate it.

The Government also must encourage the training of judges and police officers to detect the hidden offence that corruption is.

Government must encourage the training of journalist and NGOs specialized in the economical and financial field.

The Government should promote the creation and reinforcement of internal inspection within administrations, especially the justice system.

It should work towards influencing the behavior of civil servant, particularly the judges who are behind the mirror acts of corruption.

Combating corruption also means trying to improve the situation of civil servants in terms of career prospects through transparent rules on recruitment, promotions, salaries and bonuses.

Officials should be involved in the process of reelection in the interests of transparency and reaching a consensus.

The government must promote the creation of bodies specializing in the fight against corruption and money laundering within the police and judiciary, as well as a strict selection based on skill and integrity, and train members of these bodies on financial and economic crime, on how to investigate for instance.

The government must also create an institution of a legal obligation for civil servants to expose corruption of which they may have knowledge in the performance of their duties.

It must also allow the police and judiciary the detection, the seizure and the confiscation of criminal assets from whoever it may be.

In order to reduce the extent of corruption, government must increase transparency to limit opportunities for corruption, especially the bribery. It must put a stress on efforts to sensitize the younger generation about the impact of corruption on the national economy and social welfare.

To eradicate the evil activity, the government must:

Encourage the adoption and effective implementation of legal framework that requires transparency of funding for political parties elections, as well as the financial assets of elected officials;

Foster the transparent management of tax revenues generated by the exploitation of natural resources;

Give citizen a greater access to information about public spending in so that it can promote accountability among users of public service;

Set up a toll-free number for public relations or communication department;

Guarantee anti-corruption organizations the freedom to act; to inform civil society through media, or seminars of tax revenues from the exploitation of natural resources and how they are used;

Insert into education program of civic education;

Use civil society to provide feedback on corruption;

Encourage the actions of Non Governmental Organizations working against corruption and towards the networking of the non-profit association system;

Support the media fighting against corruption through freedom of speech for example.

Pass law to refund ill-gotten wealth and properties;

Support the creation of specialized units to investigate economic and financial crime;

Support the creation of anti-corruption units;

Develop external judicial, financial and political controls of promote effective implementation.

# CONCLUSION

There is a growing worldwide concern over corruption at the present time. Several factors are responsible for this.

First, a consensus has now been reached that corruption is universal. It exists in all countries, both developed and developing, in the public and private sectors, as well as in non-profit and charitable organizations.

Second, allegations and charges of corruption now play a more central role in politics than at any other time. Governments have fallen, careers of world renowned public figures ruined, and reputations of well-respected organizations and business firms badly tarnished on account of it. The international mass media feeds on it and scandals and improper conduct, especially of those in high places, are looked upon as extremely newsworthy, and to be investigated with zeal and vigour. The rising trend in the use of corruption as a tool to discredit political opponents, the media's preoccupation with it as a highly marketable commodity, and the general public's fascination with seeing prominent personalities in embarrassing situations have brought scandalous and corrupt behaviour, a common human frailty, into the limelight of international attention.

Third and the main issue taken up in this paper – is that corruption can be a major obstacle in the process of economic development and in modernizing a country. Many now feel that it should receive priority attention in a country's development agenda.

This greater recognition that corruption can have a serious adverse impact on development has been a cause for concern among developing countries. In a recent survey of 150 high level officials from 60 third world countries, the respondents ranked public sector corruption as the most severe obstacle confronting their development process (Gray and Kaufmann 1998). Countries in

the Asia and Pacific region are also very worried about this problem and they are in substantial agreement that corruption is a major constraint that is hindering their economic, political and social development, and hence view it as a problem requiring urgent attention at the highest level.

Increasing public interest and concern over corruption have resulted in a large amount of scholarly research on the subject. Admittedly, there are still wide gaps in the current state of information and knowledge on the matter and much more remains to be done. Nevertheless, theoretical and empirical research that has been conducted thus far has yielded fresh insights into the problem. We now have a clearer understanding of the underlying causes of corruption, its consequences, and ideas and approaches on possible measures to combat it. At the same time, a better perspective has been obtained on the reasons why corruption persists in so many countries, and why it is difficult to deal with, although people throughout the world view it with disfavour. It has now become clear that corruption is one of the main obstacles to peace, stability, sustainable development, democracy, and human rights in the United Kingdom, especially in the justice system.

The Judicial Officers accepted, as a common philosophical and practical starting point, the Commonwealth Harare Declaration that commits all member countries to the fundamental values of democracy, rule of law, independence of the judiciary and the promotion and protection of fundamental human rights. They acknowledged that a judicial system free from corruption was an essential component of a truly democratic country and is critical to national development and the eradication of poverty. A court system that is free from corruption was recognized as one of the essential features of a country able to attract investment and thus develop in a way that would enhance the welfare of

its people. (Commonwealth, judicial colloquium on combating corruption within the judiciary).p. 1.

Therefore, every British citizen has to put their hands together for a change, especially in the justice system. They have what it take to make difference in their different countries. The different institutions and organs must be implicated in the fight against corruption. Every citizen has also to take himself/herself as a special person, a man or a woman of influence so as to eradicate the evil activity. As history is replete with stories of men and women who inspired revolutions through their writing, British writers should write to denounce or to criticize, to question or to warn the leaders and they must be hailed for their work. But this does not mean writing malicious things about people just to berate them, but penning constructive suggestions that can improve the society, especially the judiciaries. Dishonest judges must change their behaviors. They all must make their impact felt on in their respective spheres of contact. It may be in their community, work place, city or nation at large. They must combat for a change, look out for a need, and reach out to meet that need.

For their democracy to grow stronger and flourish, every citizen must be willing to participate, and by so doing, they save their country from the barrage of its lethargy. Their participation has to be constructive and geared toward rendering the best service to their nations. The judiciary must learn and practice the dignity of labour and render honest service. They must try to renew confidence toward people showing total independence. They must not be influenced by corrupt politicians' pressure through bribery. Together with the citizen, they can change their nation and improve its economy if they can invest in their mind and decide to impact positively their nations with the investments of their personality. For, money is a slave. They must show a great satisfaction with what they earn as salary.

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