

Corruption on Justice and Security Sectors, Cause and Consequence

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Abstract: *The purposes of this article was to investigate how corruption are common to both justice and security system, or even originate from the connections between the security and judicial sectors and to provide a framework of the relationship between the two, despite the fact that some of their causes and consequence are unique to the institutions that make up those sectors. Lack of control and transparency, insufficient punishments, and personnel-related concerns are some of the factors that both share. Political interference in judicial systems, bad financial management, and national security concerns in the structure are just a few examples of causes that are peculiar to certain industries. In my judgment, Corruption is hypocritical bad conduct and considered as evil by a person in position of authority, the question is how did corruption happen? It happen not only in the security and justice sectors of society but also in business, governments, the courts, the media, and civil society, as well as in all other sectors from infrastructure and sports to health and education, additional to Corrupt behavior includes bribery, accepting bribes or inappropriate gifts, attractive in underhanded business practices, interfering in elections, diverting funds, money laundering, and deceiving investors. And in my belief, corruption undermines the legitimacy of the legal system the state justices and security. This essay will attempts to address how corruption is happen and at least to answer a few questions concerning corruption, including its sources, effects, and effective positively solutions.*

Keywords: Corruption, Security Sector

1. Introduction

Traditionally, legally speaking, corruption is the misuse of a position of trust in a branch of government i. e. the executive, legislative, or judicial or in a political, other organization with the intention of receiving an unlawful financial benefit that is not permitted for oneself or for others. This suggests that corruption is a sort of power abuse, bribery, evidence fabrication, violence and cruelty, favoritism, bias, and even xenophobia are all examples of corruption in the government official and justice and security service. Furthermore, I believe that my premise suggests that corruption is an immoral and prohibited way of ill-using communal properties by those who lack reliability, and right values. I trust that Corruption undermines the Rule of Law and the legitimacy of government's justice and security, to this extent governments are established to ensure justice, security and human rights, corruption shows that government is not fulfilling its proper role punishing of those committing illegal bad behavior, of those who benefit from corruption and think it is wonderful window of opportunity. Some people don't think that corruption is harmful for society; they think it's great to source a lot of wealth illegally without harsher punishment.

2. Literature Survey

Corruption is a global misconduct in which many officials across the world get involved. Without corruption, the earth would be a better place to live with so much harmony and equality where a public asset was utilized legally without embezzlement. Corruption is a complex social, political and economic happening that affects all countries, globally and regionally. Corruption threatens government institutions, stifles economic growth, and fuels political instability. There are various definitions of what constitutes corruption. While the World Bank defines it as abuse of public office for

private gain, USAID defines it as the abuse of entrusted authority for private gain. This broad definition doesn't distinguish between public office and the private one and treats the various types of corruption within the private sector Corruption in justice and security institutions has a negative effect on the lives of the poor, both directly and indirectly. Direct impacts include reduced accessibility to services responsible for ensuring their rights and maintaining their safety, and an increased vulnerability to security threats and crime. The poor are also more likely to be subjected to bribery and extortion, as well as threats, intimidation and victimization by security forces (UNODC 2007). Indirect impacts for the poor are mainly economic, resulting from wasted resources and a reduction in foreign investment.

It is also theft or embezzlement of public property and funds, including the misappropriation of confidential information about a corporation's financial status that would prevent potential investors from accurately valuing its worth, such as failing to disclose significant contingent liabilities or undervaluing assets in an enterprise scheduled for privatization. Interfering with the work of the organizations responsible with identifying, looking into, and prosecuting illegal activity. However, as corruption in the justice and security sector is also linked to the specific context in which the institutions are operating, it is important to ensure that each reform process also reflects an understanding of the local environment. Judges and court processes, looking at both formal and informal mechanisms. In the case in post-conflict countries, where a weak central government, absence of the rule of law and infiltration of security and justice organisations all combine to increase the opportunity for corrupt practices.

Corruption in the justice sector within the justice system there are a number of organisations that could be involved in

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corrupt practices before a case reaches the courts. These include the police force, lawyers and prosecutors. Once judicial decisions have been reached, there are also a number of organisations responsible for enforcing these decisions such as the prison system. When addressing corruption, it is important to be aware of the links between these different bodies. Although this answer will focus on judges and courts responsible for the court process itself, the role of external mechanisms will also be considered. Transparency International's 2007 Global Corruption Report, which focuses on corruption in the judicial system, identified several factors which result in corrupt practices. These included a number related to personnel such as low judicial and court staff salaries, poor training and lack of rewards for ethical behaviour (Noel Pepys 2007). Lack of transparency can also lead to corruption in the courts. In many countries, court proceedings and trial outcomes all remain hidden, as do disclosure of assets and the income and selection of judges (USAID 2009). Corruption in courts may also result in guilty criminals not being convicted for instance access to information including current laws, or revisions to laws remains limited (Noel Pepys 2003). In developing countries, courts are often too expensive, difficult for people to get to, and use procedures that are hard to understand (DFID 2000). Corruption in the justice sector will reduce the legitimacy of the system and erode public confidence (Ferguson and Isima 2004).

2.1 Identified cause of Corruption in Africa.

In Africa, some of the identifiable causes of corruption include the negative colonial legacy, poor leadership, puppet government, politics of the belly, omnipotent state, greed and selfishness, clientelism and patronage, nepotism, absence of popular participation of the public affairs in government, weak institutions of governance, lack of obligation of transparency, lack of political will, weak governance and ethical values, centralist nature of the state and concentration of state power, weak judicial system and constant insecurity and conflicts. While corruption opens a lot of problem, doors including no existence of accountability, lack of transparency, lack of responsibility, unemployment, incredibility, political instability, inequality and so on. Corruption is one of the biggest global issues, ahead of extreme poverty, unemployment, the rising cost of food and energy, climate change, and terrorism. The root causes of corruption vary from place to place depending on the political, social, economic and cultural circumstances. Political clientelism in politics is the asymmetric relationships between groups of political actors described as patrons, brokers and clients, (Corruption Watch 10 Oct 2016). "Without doubt, corruption has permeated the African society and anyone who can say that corruption in Africa has not become alarming is either a fool, a crook or else does not live in this continent." (Chinua Achebe).

2.2 Corruption Security on security sector

Security related with Internal factors such resource conflicts, political power struggles, clan egoist theory, and political traditions of extended family ruling classes, which I believe contain low level of transparency, ineffective general government, and insufficient level of integrity and persisting

deficiencies in the state regulatory and control systems, domination, inequality, and clannish marginalization attitudes, are speculated to be the origin and impact of corruption and linked to insecurity. In my persuasive argument, As a result, mistrust and destitute governance by the government's own circle of family, who have egoistic traditions, including high levels of nepotism, corruption, and maladministration, a disregard for the dignity and quality of acting justly, discrimination, and so on, have grown, and the impact of corruption has increased security threats. In some countries, as with organisations in the justice sector, according to public opinion and officials' corruption in the security force is often attributed to insufficient income, poor recruitment policy and insufficient training. This article examines the international academic literature and empirical mainly on justice and security research available on the various cause and consequences of corruption. on assessment of the literature survey, for example, found that low salaries, lack of sufficient equipment, under staffing and lack of organizational development had all affected the response capacity of the security force police in terms of speed and morale. Bribe payments are common in the security police force. In addition to, according to my knowledge, the biggest problem currently Somalia people facing is more common of everybody knows this includes widespread corruption, security force, armed conflict between rival clans, instability, a lack of state protection, and ongoing humanitarian crises. There are additional criminal activity by armed militias that results in killings, armed robberies, and infrequent kidnappings. Desperately poor, and its overwhelmingly young population has tremendous difficulty accessing education, employment, and health care. Insecurity is unescapable. The political spectacle in Mogadishu does not hold much promise for improving these conditions. According to my theoretical premises, indicates that many strategic thinkers and commentators, leaders, scholars, policymakers, and inhabitants of the region continue to pay attention to the Somalia critical. Indeed, for years, the country, with its weak, corruption, and war-torn nations, was seen as a fertile ground for all kinds of disorder, violent conflicts, including corruption and security threat to mass population movement, organized crime, intense clan domination, clannish culture, poverty, with the negative impact of government fragility are frequently seen as a basis for rampant corruption in the justice and security, however, there's no actual measure gauge for corruption on institution of justice and security of Somalia, the only measurement is state weakness unable to cope the basic requirement of statehood of unable to provide public service and security. Furthermore, Corruption in various forms occurs across the whole society, it affects the existing justice, security and political clannish representation, the government officials, but also that corruption is becoming part of popular culture and that corruptive behavior has distinct characteristics depending on the area of action both justice and security. In addition to the above, monopoly of authority, freedom in decision-making, poor transparency, inadequate good governance, and insufficient level of integrity and ongoing weaknesses in state regulation and control institutions are all factors that contribute to the impact of corruption on justice and security.

2.3 Corruption in the justice sector

Security system are missing public trust, this is because corruption in the security services can leave people feeling insecure and vulnerable. For example, that corruption had caused security services to become ineffective, sometimes predatory (Magahy et al 2009). At the same time, public distrust can contribute to an environment where citizens perceive corruption to be a more effective recourse for securing their own protection (Transparency International 2010).

Traditionally, corruption in justice system violates the fundamental concept of equality before the law and in generally influence by money and power may be used to a corrupt legal system to determine case can get priority treatment or are dismissed, sometime in many countries, court proceedings and trial outcomes all remain hidden. Systemic corruption within the justice system is commonly defined as the use of public authority for personal gain that results in an improper delivery of judicial services and legal protection for citizens. The justice system can be broadly defined to include judges, prosecutors, police, public defenders, private bar, court personnel, and court decision enforcement agencies, such as penal institutions. As the ultimate decision-maker and the highest governmental official within the justice system, the judge is the focal point for reducing corruption within the justice system. Whether the judge is engaged in criminal, civil, commercial or administrative decision-making is essentially immaterial to the causes and forms of corruption. Corruption in the justice system covers all aspects of judicial oversight. Police, prosecutors and court staff play a role in improperly influencing the provision of judicial services, and their involvement in corruption can have a menacing effect on the entire judicial process. For instance – according to public opinion Citizens are less likely to abide by the law if they believe others, particularly governmental leader including judges, are disobeying the law and avoiding detection and punishment. Hurt individuals will resort to “taking the law into their own hands” and cause security threats to resolve disputes rather than submit to a judicial system that is perceived to be dishonest and biased. Usually, Extortion and embezzlement of funds are also common in the security police force (Human Rights Watch 2010). In cases where the police force have relative freedom to carry out arrests, independent of the courts, innocent people may be arrested and a bribe requested for their release (Andvig and Fjeldstad 2008). . Police may also embezzle funds, manipulate time sheets or steal valuables of those under arrest.

2.4 Cause of corruption

Corruption is a constant in the society and happens in all civilizations, which can take many different forms and have a wide range of negative effects on both justice and security as well as society as a whole. The political and economic environment, professional ethics and morality, as well as, obviously, habits, customs, tradition, and demographics, are among the most frequent causes of corruption. High levels of corruption have an impact on society at large by reducing confidence in the system, the rule of law, education, and ultimately living quality (access to infrastructure, health

care). Corruption also generates a lack of transparency and a lack of control by supervisory institutions. Thus, where there is insufficient legal basis or sufficient political will to control, which enables a non-transparent functioning of both justice and security, corruption flourishes. Corruption is also affected by the extensive, non-transparent or incomplete legislation, where laws can be interpreted in different ways (for the benefit of the one who pays). Other theory of the public opinion believe that the if the top branch of government (the executive, legislative, or judicial) are corrupt, then corruption shows at all levels, and this evil at the same time spreads among the ordinary population, as nobody trusts the institutions or the rule of law. Therefore, corruption delays economic development and has an impact on corporate operations, jobs, and investments. Additionally, the poor pay of public administration employees (state officials), who subsequently trying to improve their financial situation by accepting or receiving bribes, has a significant consequences on corruption. However, low wages are not the only cause of corruption; the poor state of the public administration, which is a consequence of political “poor management of officials”, due to which loyalty usually prevails over professional standards, also strongly affects the corruption. As an important factor influencing corruption, some authors also indicate satisfaction with the work done by officials, the more they are dissatisfied with their work or place of work, the higher the degree of corruption exist.

2.5 The consequence of corruption

As a consequence of corruption, the system of government will weaken and deteriorate, taxes won't be used for the community's benefit, law and order will be ignored, innocent people will suffer while criminals run free, the black market will increase reducing the tax base even further, and it won't be conducive to a good and fulfilling life. Because money goes to those who do not deserve it, to those who would use force and violence to achieve what they want, and to those who do not care about their country, the environment, it reduces economic efficiency. It promotes exploitation, including that of politicians, judges, forces, and doctors who prescribe addictive medications. The consequence of corruption is to increases inequality, decreases standard of accountability and political responsiveness, and thus produces rising frustration and hardship among citizens, Consequence of corruption includes bribery, extortion, offering illicit benefits and carrying out illegal activities. The consequence of corruption is frequently extremely detrimental to a nation's many industries. In addition to the economic damage it causes, corruption is often accompanied by social damage that is difficult to repair as a consequence of the defense mechanisms that the corrupt must use to protect themselves. In corrupt societies, citizens lose respect and trust for the authorities and members of political branches. Trust is the most important criterion for citizens when dealing with state's justice and security, the lack of transparency damages this trust and generates lack of justice and security threat in the population. In addition, knowing that the authorities are corrupt, people will lose respect for national protection forces such as the justice system, security forces and the army. This generates hatred within society, which is reflected in the interactions between civilians and authorities. Corruption is “the exploitation of public power

for private gain”, is of growing international and regional concern including Somalia. In a context of political and economic globalization we are all affected. Corruption is not a victimless crime but negatively harming a number of people, mainly the poor. This paper examines the international academic literature and empirical mainly on justice and security research available on the various consequences of corruption. First however, some literature survey is provided to the international, regional and domestic initiatives and policy responses that, in recognizing the devastating consequences of unchecked bribery and corruption, have been initiated in recent years.

3. Suggestion and Conclusion

- 1) Reform the selection process for the heads of the supreme judiciary positions by establishing an independent body of judges, ensuring total independence of the judiciary and excluding the intervention of the Executive Power from any step of this process.
- 2) To consider security, Judges, court personnel, and lawyers should be subject to disciplinary action under the code of conduct which will have binding force and strict implementation and should be punished like anyone else under the law.
- 3) At the security sector to improve power of the people Creating pathways that give citizens relevant tools to engage fight for corruption and participate in their governments identify priorities, problems and find solutions.
- 4) Use the power of technology to build dynamic and continuous exchanges between key stakeholders: government institutions including security force and justice sector, ordinary citizens, business, civil society groups, media, academia etc.
- 5) To improve the challenges of incidents related violent attacks which are symptoms of weak justice and security, and upgrade marginal groups for unfair government institution mechanism
- 6) To promote the government’s ability to provide public services and meet the basic needs of the masses frustrated people who are easily classified as violent by any event.
- 7) To support the adoption of such laws and other measures necessary to prevent and prosecute effectively criminal offenses relating to corruption.
- 8) Strengthening the capacity of states to fulfil their core functions such as ensuring security, justice service provision as the first principle of engagement.

4. Recommendation

In addition to dealing with the specific corruption issues that each sector faces, reforms must simultaneously address both sectors in order to deal with issues that are shared by both.

- 1) To consider in a reform process this include the armed forces, the police, customs officials, intelligence services, judicial and penal institutions, as well as human rights organisations and the press (OECD 2005).
- 2) To establish the need for effective legislation to enforce anti-corruption efforts in the justices and security sector and reflecting an assumption that improvements in

governance will also have a positive impact on corruption.

- 3) The two main components that must be prioritized in these interventions are accountability and sustainability
- 4) The training of lawyers, judges, and other jurists must adapt to the dynamic nature of justice provision.
- 5) Additionally, it is crucial to address issues of good governance, human rights, and peace building across demographics in order to combat corruption while also supporting the legitimacy and accountability of the state.
- 6) To prevent, investigate and publish corruption allegations, to freeze, seize, confiscate or return any gains assets from criminal activity.

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