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## An Analysis of Anti-Corruption Legal Mechanisms in Singapore and Sweden and Their Instructiveness for the Nigerian System

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### Abstract

*Corruption has been identified as one of the most significant impediments to development and economic growth in many countries, including Nigeria. As such, various anti-corruption mechanisms have been developed and implemented by governments to combat this issue. This article focuses on two countries, Singapore and Sweden, that have been successful in reducing corruption through their legal frameworks and enforcement mechanisms. By analyzing the*

*anti-corruption legal mechanisms in these two countries and their effectiveness in curbing corruption, this chapter seeks to determine their instructiveness for the Nigerian system.*

**Keywords:** Anti-corruption Mechanisms, Ethics, Corruption, Public Officials

## **Introduction**

The Nigerian state has been defeated many times by the endemic reach of public sector corruption.<sup>1</sup> This kind of corruption, has been responsible for many incapacities of the state. It has rendered the state from effectively defending its citizens from external threats and looming insecurity. It has broken the trust of the people and affected the cooperation of citizens. Public sector corruption has left gaps in governance and emboldened deviants in their lawlessness. Now it is more common to see many state agents declaring impunity and embracing indiscipline, this is resulting from the lack of accountability that public sector corruption has institutionalized.

Nigerian institutions are so broken from public sector corruption, that foreigners marvel at the extent of its reach. This was why the former Prime Minister of the United Kingdom, once remarked that ‘Nigeria is fantastically corrupt.’<sup>2</sup> From the airport officials that love to hassle foreigners and returnees at the Murtala Muhammed International Airport in Lagos for dollars, to the office staff in government ministries in Abuja, public sector corruption has built an empire of inefficacy that manifests in institutional failure.<sup>3</sup> However, in countries like Singapore and Sweden, there are certain systems that have been established that ensures public sector corruption is kept in check. This is why this chapter explores the anti-corruption legal mechanisms in Singapore and their instructiveness for the Nigerian public sector system.

## **Singaporean Ethical Perception on Corruption**

Singapore as a society is built on the ethics of merit, honesty and hard work. That has been their secret ethical combinations for a successful society and state. The institutions of the state are sound in their functions and negative perception of corruption is generally high. The state gained independence in 1959 from the British, and was set to work on its development, ensuring that the state progressed from a Third World state to a First World state.<sup>4</sup> Its development has remained a global example of the stellar progress of good governance in societies that are determined to advance in knowledge and technology. The pace of development cannot be divorced

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<sup>1</sup> Tobore Ovuorie, ‘Nigeria's Hopeless Fight Against Corruption’ (*DW*, 27 May 2022) <<https://www.dw.com/en/nigerias-hopeless-fight-against-corruption/a-61946896>> last accessed 1 April, 2023

<sup>2</sup> Adekunbi Imosemi, ‘Is Nigeria Truly a ‘Fantastically Corrupt Nation’? Probing the Domestic Legal Framework and Instigating the United Nations Legal Paradigm to the Rescue’ (2018) 5(4) *International Journal of Innovative Legal & Political Studies*

<sup>3</sup> Oladeinde Olawoyin, ‘INVESTIGATION: At Lagos airport, officials still extort travellers (1)’ (*Premium Times* 4 November, 2018) <<https://www.premiumtimesng.com/news/headlines/294017-at-lagos-airport-officials-still-extort-travellers.html?tztc=1>> 15 March, 2023

<sup>4</sup> Lee Kuan Yew, *From Third World to First: The Singapore Story: 1965-2000* (Harper 2000)

from its commitment to accountability and meritocracy. Accountability within governmental systems in Singapore meant that governmental institutions were under close supervision, and no one was allowed to deviate from set principles of governance in Lee Kuan Yew's administration, who was prime minister after the Singaporean Independence.<sup>5</sup>

Corruption is a global issue that affects societies and economies in a detrimental manner. The phenomenon has been prevalent for centuries, and its impact on a nation's development has been widely studied and documented.<sup>6</sup> In recent years, corruption has received significant attention due to its relationship with unethical behavior, economic growth, and human rights. In this essay, we will examine the ethical perception of corruption in Singapore and its effects on the nation's development.

Singapore is considered one of the least corrupt nations in the world, consistently ranking high in transparency indexes. According to the Transparency International Corruption Perception Index 2021, Singapore ranks 4<sup>th</sup> globally in terms of its perceived level of corruption.<sup>7</sup> The nation's ethical perception of corruption is shaped by several factors, including its history, legal system, and cultural values.

Singapore's history plays a significant role in shaping its ethical perception of corruption. The nation's rapid transformation from a third-world country to one of the world's most developed nations in just a few decades is widely attributed to its strict adherence to the rule of law. The nation's founding father, Lee Kuan Yew, believed that an incorruptible and efficient government was the key to economic success. He implemented strict anti-corruption measures and made it a priority to maintain the integrity of the government. This legacy has been carried forward, and corruption is widely regarded as a criminal act that undermines the nation's progress and stability.<sup>8</sup>

The legal system in Singapore is one of the strongest anti-corruption mechanisms in the world. The Corrupt Practices Investigation Bureau (CPIB) was established in 1952, and it has been at the forefront of the fight against corruption in Singapore.<sup>9</sup> The CPIB is responsible for investigating and prosecuting individuals who engage in corrupt activities. The legal system is supported by a robust judicial system that ensures that individuals are held accountable for their actions. The legal system,

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<sup>5</sup> *ibid*

<sup>6</sup> Transparency International, 'The Impact of Corruption on Growth and Inequality' (Transparency International 2014) <[https://www.transparency.org/files/content/corruptionqas/Impact\\_of\\_corruption\\_on\\_growth\\_and\\_inequality\\_2014.pdf](https://www.transparency.org/files/content/corruptionqas/Impact_of_corruption_on_growth_and_inequality_2014.pdf)> last accessed 15 March, 2023

<sup>7</sup> 'Corruption Perceptions Index' (Transparency International 2021) <<https://www.transparency.org/en/cpi/2021>> last accessed 15 March, 2023

<sup>8</sup> Lee Kuan Yew, *From Third World to First: The Singapore Story: 1965-2000* (Harper 2000)

<sup>9</sup> National Library Board, 'Corrupt Practices Investigation Bureau is Set-Up' (National Library Board 2019) <<https://eresources.nlb.gov.sg/history/events/09325feb-9611-4052-be91-6388123d1105>> last accessed 15 March, 2023

along with a zero-tolerance policy towards corruption, creates a deterrent effect that deters individuals from engaging in corrupt activities.

### **Cultural Values and Ethical Perception of Corruption in Singapore**

Cultural values in Singapore play a crucial role in shaping its ethical perception of corruption. The nation has a strong cultural emphasis on meritocracy, where individuals are rewarded based on their abilities and hard work. The concept of meritocracy is closely linked to the idea of fairness, and corruption is seen as a form of unfair advantage that undermines the principles of meritocracy. Additionally, Confucianism, a dominant cultural influence in Singapore, stresses the importance of moral behavior and ethical conduct. The values of Confucianism have been incorporated into the nation's education system, and individuals are taught from a young age to uphold ethical and moral values.<sup>10</sup>

The ethical perception of corruption in Singapore has several positive effects on the nation's development. Firstly, it creates a culture of transparency and accountability, where individuals and institutions are held to high standards of ethical conduct. This creates a level of trust between the government and the people, which is essential for a stable and prosperous society. Secondly, the anti-corruption measures in place in Singapore have a deterrent effect, which reduces the incidence of corruption.<sup>11</sup> This leads to a more efficient and effective use of resources, as individuals and institutions are encouraged to act in a transparent and ethical manner. Finally, a low incidence of corruption enhances Singapore's reputation as a safe and stable investment destination, attracting foreign investment and talent to the nation.

The ethical perception of corruption in Singapore is shaped by several factors, including its history, legal system, and cultural values. The nation's zero-tolerance policy towards corruption, combined with its robust legal system, has created a deterrent effect that reduces the incidence of corruption.<sup>12</sup> The cultural emphasis on meritocracy and ethical conduct has reinforced the nation's commitment to transparency and accountability.

### **Anti-corruption Strategies in Singapore**

The government of Singapore employs a strategy of education and awareness to fight corruption. The nation has a strong cultural emphasis on meritocracy, where individuals are rewarded based on their abilities and hard work. The concept of meritocracy is closely linked to the idea of fairness, and corruption is seen as a form

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<sup>10</sup> Aris Teon, 'Confucianism and the Law in Singapore and Taiwan' (The Greater China Journal, 2 June, 2016) <<https://china-journal.org/2016/06/02/confucianism-and-the-law-in-singapore-and-taiwan/>> last accessed 15 March, 2023

<sup>11</sup> Fathin Ungku and Aradhana Aravindan, 'Singapore Reviewing Anti-Graft Law Amid Mounting Calls to Make it Tougher' (*Reuters*, 23 January, 2018) <<https://www.reuters.com/article/singapore-corruption-idINL3N1PE1U2>> last accessed 15 March, 2023

<sup>12</sup> Aris Teon, 'Confucianism and the Law in Singapore and Taiwan' (The Greater China Journal, 2 June, 2016) <<https://china-journal.org/2016/06/02/confucianism-and-the-law-in-singapore-and-taiwan/>> last accessed 15 March, 2023

of unfair advantage that undermines the principles of meritocracy. The values of meritocracy and ethical conduct are incorporated into the nation's education system, and individuals are taught from a young age to uphold these values. Additionally, the government of Singapore has launched public education campaigns to raise awareness about corruption and its effects on society.

The government of Singapore has also implemented measures to prevent corruption by addressing its root causes. One of the key root causes of corruption is poverty, and the government of Singapore has implemented measures to address poverty, such as providing education and training opportunities, creating jobs, and improving the standard of living. Additionally, the government has implemented measures to address the lack of transparency and accountability in the private sector, such as implementing reporting requirements and implementing penalties for corrupt activities.

The government of Singapore has employed several strategies and measures to fight corruption and maintain a high level of transparency and accountability. The establishment of the CPIB, the implementation of a zero-tolerance policy towards corruption, and the implementation of transparency measures have all contributed to the nation's success in fighting corruption.

### **An Analysis of the Singaporean Prevention of Corruption Act (PCA)**

The Prevention of Corruption Act (PCA) is a legal framework that was enacted in Singapore in 1960 to prevent and control corruption. The PCA is considered one of the most comprehensive anti-corruption laws in the world, and it provides a comprehensive legal framework for addressing corrupt activities in Singapore.<sup>13</sup> The PCA defines corruption as the abuse of public trust for personal gain, and it provides a comprehensive definition of corrupt activities that includes bribery, abuse of power, and the misuse of public resources. The PCA provides the legal framework for investigating and prosecuting individuals who engage in corrupt activities, and it allows the government to seize assets that are suspected to have been obtained through corrupt activities. The PCA is enforced by the Corrupt Practices Investigation Bureau (CPIB), which is an independent government agency that is responsible for investigating and prosecuting individuals who engage in corrupt activities.

The PCA has been instrumental in addressing corruption in Singapore, and it has been credited with maintaining the nation's reputation as one of the least corrupt nations in the world.<sup>14</sup> The PCA has created a deterrent effect that deters individuals from engaging in corrupt activities, and it has provided the legal framework for the government to investigate and prosecute corrupt individuals. The PCA has been

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<sup>13</sup> Koh Teck Hin, 'Corruption Control in Singapore' (United Nations Asia and Far East Institute for the Prevention of Crimes and the Treatment of Offenders 2013)

<sup>14</sup> Kartina Pakpahan, Gita Arihta, Uli Teresia Br Tarigan, Mian Fransiska Sianturi, 'Comparison of the Death Penalty for Perpetrators of Corruption in Indonesia, Malaysia and Singapore' (2022) 5(1) *Awang Long Law Review*

instrumental in creating a culture of transparency and accountability in Singapore, and it has ensured that public officials are held to high standards of ethical conduct.

One of the key features of the PCA is its strict penalties for corrupt activities. The PCA imposes severe penalties for corrupt activities, including imprisonment, fines, and the forfeiture of assets. The penalties under the PCA are designed to serve as a deterrent, and they have been effective in preventing individuals from engaging in corrupt activities.<sup>15</sup> The PCA also provides for the imposition of penalties on individuals who attempt to bribe public officials, and it imposes penalties on individuals who offer bribes to public officials.

The PCA also provides for the protection of whistleblowers, and it provides individuals who report corrupt activities with immunity from prosecution. This provision has been instrumental in encouraging individuals to report corrupt activities, and it has allowed the government to investigate and prosecute corrupt individuals.<sup>16</sup> Additionally, the PCA provides for the protection of witnesses in corruption cases, and it ensures that individuals who provide testimony in corruption cases are protected from retaliation.

Another key feature of the PCA is its emphasis on transparency and accountability. The PCA requires public officials to disclose information about their assets, and it provides the public with access to information about the government's operations.<sup>17</sup> The PCA also provides for the implementation of transparency measures, such as the implementation of reporting requirements, and it requires public officials to be transparent in their dealings with the public.<sup>18</sup> These measures have been instrumental in ensuring that the government is accountable to the public, and they have ensured that public officials are held to high standards of ethical conduct.

The Prevention of Corruption Act (PCA) is a comprehensive legal framework that has been instrumental in addressing corruption in Singapore. The PCA provides a comprehensive definition of corrupt activities and provides the legal framework for investigating and prosecuting individuals who engage in corrupt activities. The strict penalties imposed by the PCA have been effective in deterring individuals from engaging in corrupt activities, and the emphasis on transparency and accountability has ensured that public officials are held to high standards of ethical conduct. The PCA has been instrumental in maintaining Singapore's reputation as one of the least corrupt nations in the world, and it has contributed to the nation's stability, prosperity, and development.

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<sup>15</sup> *ibid*

<sup>16</sup> Prevention Of Corruption Act 1960, Section 36

<sup>17</sup> Prevention Of Corruption Act 1960, Section 39

<sup>18</sup> Prevention Of Corruption Act 1960, Section 27

## **The Singaporean Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (CDSA)**

The Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (CDSA) is a legal framework that was enacted in Singapore in 1993. The act provides the legal framework for the confiscation of assets that have been obtained as a result of corruption, drug trafficking, and other serious crimes. The CDSA is an important component of Singapore's efforts to combat corruption and other serious crimes, and it has been instrumental in addressing the issue of illicit assets and proceeds of crime.<sup>19</sup>

The CDSA provides the legal framework for the confiscation of assets that have been obtained through corruption, drug trafficking, and other serious crimes. The act allows the government to seize assets that are suspected to have been obtained through illegal activities, and it provides the legal framework for the investigation and prosecution of individuals who engage in corrupt activities.<sup>20</sup> The CDSA is enforced by the Corrupt Practices Investigation Bureau (CPIB), which is an independent government agency that is responsible for investigating and prosecuting individuals who engage in corrupt activities.

The CDSA has been instrumental in addressing the issue of illicit assets and proceeds of crime in Singapore. The act provides the government with the tools to investigate and confiscate assets that have been obtained through illegal activities, and it has been effective in deterring individuals from engaging in corrupt activities. The CDSA has also contributed to the return of stolen assets to their rightful owners, and it has helped to ensure that the proceeds of crime are not used to support further criminal activities.<sup>21</sup>

One of the key features of the CDSA is its comprehensive definition of assets that can be confiscated. The act defines assets that can be confiscated to include money, property, and other assets that have been obtained through illegal activities.<sup>22</sup> The CDSA also provides for the confiscation of assets that have been acquired as a result of corruption, drug trafficking, and other serious crimes, regardless of whether the assets were acquired directly or indirectly.

Another important feature of the CDSA is its emphasis on the use of civil proceedings to confiscate assets. The act provides the legal framework for the confiscation of

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<sup>19</sup> Tan Sin Liang, 'Singapore: New Money-Laundering Law under the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act' (2000)3(3) *Journal of Money Laundering Control*

<sup>20</sup> *Ibid*

<sup>21</sup> Koh Teck Hin, 'Corruption Control in Singapore' (The 13th International Training Course on The Criminal Justice Response To Corruption Visiting Experts' Papers ) <[https://www.unafei.or.jp/publications/pdf/RS\\_No83/No83\\_17VE\\_Koh1.pdf](https://www.unafei.or.jp/publications/pdf/RS_No83/No83_17VE_Koh1.pdf)> last accessed 1 April 2023

<sup>22</sup> Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992, Section 20

assets through civil proceedings, which are less time-consuming and less costly than criminal proceedings. This has been instrumental in ensuring that the government can efficiently confiscate assets that have been obtained through illegal activities, and it has ensured that the proceeds of crime are not used to support further criminal activities.

The CDSA also provides for the protection of innocent parties, and it ensures that individuals who have obtained assets innocently are not affected by the confiscation proceedings.<sup>23</sup> This has been instrumental in ensuring that the Act is applied fairly, and it has ensured that the confiscation of assets is limited to those that have been obtained through illegal activities. The Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (CDSA) is an important component of Singapore's efforts to combat corruption and other serious crimes. The Act provides the legal framework for the confiscation of assets that have been obtained through illegal activities, and it has been instrumental in addressing the issue of illicit assets and proceeds of crime. The CDSA has been effective in deterring individuals from engaging in corrupt activities, and it has contributed to the return of stolen assets to their rightful owners. The Act has also ensured that the proceeds of crime are not used to support further criminal activities, and it has helped to maintain Singapore's reputation as a nation that is committed to the rule of law and the fight against corruption and other serious crimes.<sup>24</sup>

## **Public Sector Corruption in Sweden**

Public sector corruption is a significant issue in many countries, including Sweden. In recent years, the issue of corruption in the public sector has become increasingly prominent in Sweden, leading to increased attention from both the government and the public. Public sector corruption in Sweden can be attributed to a variety of factors, including a lack of transparency in government decision-making processes, insufficient measures to prevent corruption, and a lack of accountability for public officials. In addition, the high level of trust that is placed in the public sector in Sweden can also contribute to the problem, as it can create a sense of complacency and a lack of vigilance in preventing corruption.

The current state of public sector corruption in Sweden is difficult to quantify, as the issue is often hidden and difficult to detect. However, there have been a number of high-profile cases in recent years that have brought attention to the issue, including cases of bribery, fraud, and embezzlement in the public sector.<sup>25</sup> These cases have

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<sup>23</sup> Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992, Section 16

<sup>24</sup> K. Shanmugam, 'The Rule of Law in Singapore' (2012) Singapore Journal of Legal Studies <<https://www.google.com/search?client=avast-a-1&q=singapore+committed+to+rule+of+law&oq=singapore+committed+to+rule+of+law&aqs=avast..69i57.13112j0j9&ie=UTF->> last accessed 1 April, 2023

<sup>25</sup> Louise Brown, 'Corruption on the Rise in Sweden: How to Assess and Manage Potential Risks' (FCG, 1 February, 2023) <<https://fcg.global/2023/02/01/corruption-on-the-rise-in-sweden/>> last accessed 1 April, 2023



highlighted the need for increased measures to prevent and address corruption in the public sector.

To address the issue of public sector corruption in Sweden, the government has taken a number of measures, including the implementation of anti-corruption laws, the creation of anti-corruption agencies, and the implementation of codes of conduct for public officials. In addition, the government has also taken steps to increase transparency in decision-making processes, including the implementation of freedom of information laws and the increased availability of government data to the public.<sup>26</sup>

One of the most significant measures taken by the Swedish government to address public sector corruption is the creation of the National Anti-Corruption Agency (NAKA). The NAKA is responsible for investigating and prosecuting cases of corruption in the public sector, and it has been instrumental in addressing the issue of corruption in Sweden. In addition, the NAKA has also been working to raise awareness of the issue and to provide guidance to public officials on how to prevent corruption.<sup>27</sup>

Another important measure taken by the Swedish government to address public sector corruption is the implementation of codes of conduct for public officials. These codes of conduct set out the ethical standards that public officials are expected to adhere to, and they provide guidance on how to prevent corruption. The codes of conduct have been instrumental in raising awareness of the issue of corruption and in promoting a culture of transparency and accountability in the public sector.

Public sector corruption in Sweden is a significant issue that requires increased attention and action from the government and the public. The current state of corruption in the public sector is difficult to quantify, but there have been a number of high-profile cases in recent years that have brought attention to the issue.<sup>28</sup> To address the issue of public sector corruption, the Swedish government has taken a number of measures, including the implementation of anti-corruption laws, the creation of anti-corruption agencies, and the implementation of codes of conduct for public officials. These measures have been instrumental in addressing the issue of corruption in the public sector and in promoting a culture of transparency and accountability in government decision-making processes.

### **Ethical Perception of Public Sector Corruption in Sweden**

Public sector corruption is a pervasive issue that affects the functioning of government and the provision of public services. In Sweden, the issue of public sector

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<sup>26</sup> Carl-Johan Allansson, Hans Strandberg, Olle Kullinger, 'Anti-Corruption Regulation' (Lexology GTDT 2022) <<https://nordialaw.com/wp-content/uploads/2022/02/2022-Anti-Corruption-Regulation-Sweden.pdf>> last accessed 1 April, 2023

<sup>27</sup> *ibid*

<sup>28</sup> Gissur O. Erlingsson, Andreas Bergh and Mats Sjölin, 'Public Corruption in Swedish Municipalities – Trouble Looming on the Horizon?' (2008) 34(5) *Local Government Studies*

corruption is perceived as a serious problem, and the government has taken a number of steps to prevent and address corruption in the public sector.<sup>29</sup>

The perception of public sector corruption in Sweden is shaped by a number of factors, including the country's strong cultural values, the historical experience of the Swedish people, and the measures that have been taken to prevent corruption. Sweden is known for its strong cultural values, including transparency, honesty, and integrity, which are reflected in the attitudes and beliefs of the Swedish people.<sup>30</sup> The Swedish people have a strong sense of civic responsibility, and they view corruption in the public sector as a threat to the integrity of the government and the provision of public services.<sup>31</sup>

In addition, the historical experience of the Swedish people has also shaped the perception of public sector corruption in the country. Sweden has a long history of transparency and accountability in government, and this has been instrumental in shaping the attitudes and beliefs of the Swedish people towards corruption. The Swedish people perceive that their politicians are corrupt, and they view corruption in the public sector as a serious threat to the integrity of these institutions.<sup>32</sup>

The measures that have been taken to prevent public sector corruption in Sweden have also had a significant impact on the perception of corruption in the country. The implementation of codes of conduct for public officials, the creation of the National Anti-Corruption Agency (NAKA), and the adoption of procurement policies and procedures that aim to prevent corruption have all been instrumental in shaping the perception of corruption in the public sector. These measures have helped to raise awareness of the issue of corruption, to promote a culture of transparency and accountability, and to build trust in the government and public institutions.

Despite these measures, there is still a perception that public sector corruption continues to be a problem in Sweden. Some argue that corruption remains a persistent issue, and that the measures that have been taken to prevent corruption have not been effective in addressing the root causes of corruption. Others argue that the perception of corruption in the public sector is overstated, and that the measures that have been taken to prevent corruption have been effective in reducing the incidence of corruption.<sup>33</sup>

The perception of corruption in the public sector is influenced by a range of attitudes and beliefs, and there is ongoing debate about the extent to which corruption remains a problem in Sweden.<sup>34</sup> Despite these debates, it is clear that the measures that have

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<sup>29</sup>Andreas Bergh, Gissur Ó Erlingsson, Richard Öhrvall and Mats Sjöli, *A Clean House?: Studies of Corruption in Sweden* (Nordic Academic Press 2016)

<sup>30</sup> *ibid*

<sup>31</sup> *ibid*

<sup>32</sup> Andreas Bergh, Gissur Ó Erlingsson, Richard Öhrvall and Mats Sjöli, *A Clean House?: Studies of Corruption in Sweden* (Nordic Academic Press 2016)

<sup>33</sup> *ibid*

<sup>34</sup> *ibid*

been taken to prevent public sector corruption have been instrumental in shaping the perception of corruption in Sweden, and they have helped to promote a culture of transparency and accountability in the public sector.

### **Anti-Corruption Laws in Sweden**

It is commonly known and well-documented that corruption has harmful impacts on both individual countries and the global society as a whole. Nevertheless, bribes totaling an estimated one trillion US dollars (\$1.000 billion) are paid annually throughout the world, and both people and organizations have admitted to engaging in corrupt practices.<sup>35</sup>

Both within the international community and in individual countries, interest in combating corruption has increased dramatically in recent years. The Foreign Corrupt Practices Act (FCPA), an American law that prohibits bribery and corruption, has grown to be one of the most crucial compliance concerns for multinational corporations, both US and non-US, and one of the most important aspects of due diligence in relation to mergers and acquisitions.<sup>36</sup>

The FCPA is made up of two main parts: the accounting and record-keeping provisions and the anti-bribery provisions. Its purpose is to prevent inappropriate inducements to foreign officials in connection with business activity. The anti-bribery laws prohibit corrupt payments made to foreign (non-US) government officials for the purpose of securing business and are applicable to both natural and legal persons. The Bribery Act 2010 (Bribery Act), a revised anti-bribery statute with extensive extraterritorial implications, was recently passed in the United Kingdom.<sup>37</sup>

The Bribery Act creates a specific offense that applies to businesses that fail to stop acts of bribery carried out by workers or agents. The Penal Code of 1962 (Penal Code), where passive bribery and active bribery are divided as two independent offenses and mentioned in various chapters of the Code, contains the fundamental laws on bribery and corruption in Swedish law. The Swedish government had appointed an inquiry to look into and assess Swedish law related to anti-bribery and corruption, which had been believed would change the country's anti-bribery laws.<sup>38</sup>

Public sector corruption is a serious issue that has a significant impact on the functioning of government and the provision of public services. In Sweden, the issue of public sector corruption is addressed through a combination of laws and regulations that aim to prevent corruption and to hold those who engage in corrupt activities accountable.

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<sup>35</sup> Amanda Wassén, 'Anti-Corruption Regulation in Sweden and Abroad Leading Anti-Corruption Legislation Within the International Community in the Perspective of Multinational Corporations' (Master Thesis, Faculty of Law, Lund University 2010)

<sup>36</sup> *ibid*

<sup>37</sup> *ibid*

<sup>38</sup> *ibid*

Under Swedish law, public sector corruption is addressed through the Penal Code. The Penal Code is the primary source of criminal law in Sweden, and it includes provisions that address corruption in the public sector, including bribery, fraud, and embezzlement.

There are a number of measures in place to prevent public sector corruption in Sweden. One of the most significant measures is the implementation of codes of conduct for public officials. These codes of conduct set out the ethical standards that public officials are expected to adhere to, and they provide guidance on how to prevent corruption.<sup>39</sup> The codes of conduct have been instrumental in raising awareness of the issue of corruption and in promoting a culture of transparency and accountability in the public sector.

Another important measure is the creation of the National Anti-Corruption Unit (NACU). The NACU is responsible for investigating and prosecuting cases of corruption in the public sector, and it has been instrumental in addressing the issue of corruption in Sweden.<sup>40</sup> In addition, the NACU also works to raise awareness of the issue and to provide guidance to public officials on how to prevent corruption.

Public sector corruption is a serious issue that is addressed through a combination of laws and regulations in Sweden. The Penal Code addresses corruption in the public sector, and sets out the penalties for those who engage in corrupt activities. In addition, the implementation of codes of conduct for public officials and the creation of the National Anti-Corruption Unit are important measures that have been instrumental in preventing and addressing corruption in the public sector in Sweden.<sup>41</sup> These measures have been effective in promoting transparency and accountability in government decision-making processes, and they serve as an important model for other countries to follow in addressing the issue of public sector corruption.

### **Between Nigeria, Sweden and Singapore**

Corruption in the public sector is a major problem that affects several nations, including Singapore, Sweden, and Nigeria.<sup>42</sup> Economic, political, and social progress are all significantly hampered by the problem of public sector corruption, which also has far-reaching effects. The public sector corruption in Singapore, Sweden, and Nigeria will be compared in this article along with their differences and similarities.

Singapore is renowned for being among the least corrupt nations in the world. The nation has implemented a variety of steps to combat and prevent corruption in the

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<sup>39</sup> Staffan Andersson, 'Ethics Management Strategies in Public Organisations: The Case of Sweden' (Annual Conference of the American Society for Public Administration, March 10, 2019)

<sup>40</sup> Marina Makarova, 'The Anti-Corruption Civil Society in Sweden as Part of Sustainable Policy Networks' (2018) 3(26) *Regional Formation and Development Studies*

<sup>41</sup> *ibid*

<sup>42</sup> Andreas Bergh, Gissur Ó. Erlingsson, Richard Öhrvall, and Mats Sjölin. *A Clean House?: Studies of Corruption in Sweden* (Nordic Academic Press, 2016);

public sector, and these actions have significantly influenced how the public views corruption in the nation. The establishment of standards of conduct for public employees is one of the steps taken in Singapore to avoid corruption in the public sector.<sup>43</sup> The code of conduct mandates that public officials refrain from any behavior that can be interpreted as improper, encouraging accountability and openness. The establishment of the Corrupt Practices Investigation Bureau (CPIB), which is in charge of looking into and prosecuting allegations of corruption, is another measure in Singapore.<sup>44</sup>

On the other hand, one of the African nations most impacted by corruption is Nigeria.<sup>45</sup> Nigeria's public sector corruption problem has significantly impeded the nation's political, social, and economic progress.<sup>46</sup> The Nigerian government has taken steps to prevent and eliminate corruption in the public sector, yet the problem still exists widely throughout the nation. The Economic and Financial Crimes Commission (EFCC), which is in charge of looking into and prosecuting cases of corruption in the public sector, was established as one of the steps taken in Nigeria to combat corruption in the public sector.

When comparing the public sector corruption in Singapore, Sweden, and Nigeria, it is clear that there are some significant differences between the three countries. For instance, Singapore and Sweden have both taken a number of measures to prevent and address corruption in the public sector, and these measures have been instrumental in shaping the perception of corruption in their respective countries. On the other hand, Nigeria has struggled with corruption issues in the public sector, despite the measures that have been taken by the government to address the issue.<sup>47</sup>

Despite these differences, there are also some similarities between the three countries in terms of how they have approached the issue of public sector corruption. For instance, all three countries have taken measures to promote transparency and accountability in the public sector, through the implementation of codes of conduct for public officials and the creation of anti-corruption agencies. Additionally, all three countries have taken measures to prevent corruption in the procurement process, which is often seen as one of the areas most susceptible to corruption in the public sector.

In conclusion, while there are differences between the public sector corruption in Singapore, Sweden, and Nigeria, there are also some similarities between the three countries in terms of how they have approached the issue of corruption in the public sector. These similarities include the promotion of transparency and accountability,

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<sup>43</sup> Satria Unggul Wicaksana Prakasa, Asis Asis, and Mualimin Mochammad Sahid, 'Reduce Corruption in Public Procurement: The Effort Towards Good Governance' (2022) 10(1) BESTUUR

<sup>44</sup> Clement Liew, *Scrupulous, Thorough, Fearless: The CPIB Story* (World Scientific 2022)

<sup>45</sup> Matthew T. Page, 'A New Taxonomy for Corruption in Nigeria (Carnegie Endowment for International Peace 2018)

<sup>46</sup> *ibid*

<sup>47</sup> Matthew T. Page, 'A New Taxonomy for Corruption in Nigeria (Carnegie Endowment for International Peace 2018)

the implementation of codes of conduct for public officials, and the creation of anti-corruption mechanisms.

### **Nigerian Anti-Corruption Legal Mechanisms**

On December 9, 2003, Nigeria appended its signature to the United Nations Convention Against Corruption and later ratified it on October 24, 2004. Similarly, on December 12, 2003, it adopted the African Union Convention on Preventing and Combating Corruption and subsequently ratified it on September 26, 2006.<sup>48</sup>

The legal framework for addressing corruption in Nigeria is extensive and includes numerous laws that cover anti-corruption, anti-money laundering, anti-bribery, and other related matters. However, the two primary laws that are used to combat corruption in Nigeria are the Independent Corrupt Practices and Other Related Offences Act of 2000 (ICPC) and the Economic and Financial Crimes Commission Act of 2004 (EFCC). These two laws have been instrumental in Nigeria's efforts to curb corruption and bring corrupt officials to justice.<sup>49</sup>

The comprehensive list of relevant offenses cannot be found within a singular document, as they are dispersed among various sources, including:

1. the Money Laundering Act 1995;
2. the Money Laundering (Prohibition) Act 2011;
3. the Money Laundering (Prohibition) Act 2022;
4. the Advance Fee Fraud and Other Fraud Related Offences Act 1995;
5. the Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act 1994;
6. the Banks and Other Institutions Act 1991; and
7. the Miscellaneous Offences Act 1984.

The ineffectiveness of Nigerian Anti-Corruption Legal Mechanisms can be attributed to several factors. One of the primary reasons is the failure to enforce and implement the existing anti-corruption laws and measures. Despite the establishment of various Law Enforcement Authorities (LEAs) and Anti-Corruption Agencies (ACAs) in Nigeria, public officials continue to engage in corrupt practices with impunity. Additionally, the lack of specific guidelines for the interpretation and enforcement of the ICPC and EFCC Acts further compounds the issue. Moreover, the absence of clearly defined mandates to protect the functions of ACAs, and LEAs, as well as inadequate funding and independence, hampers their effectiveness. Furthermore, there is a shortage of skilled training for personnel and institutions responsible for curbing corruption, and the lack of specialized anti-corruption prosecutors to investigate and prosecute high-level corruption offenses also contributes to the

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<sup>48</sup> Frederick Festus Ntido, 'Anti-Corruption 2023: Nigeria' (Chambers and Partners, 25 November, 2022) <<https://practiceguides.chambers.com/practice-guides/anti-corruption-2023/nigeria>> last accessed 15 March, 2023

<sup>49</sup> *ibid*

problem.<sup>50</sup> These factors collectively contribute to the ineffectiveness of the Nigerian Anti-Corruption Legal Mechanisms.

### **Evaluation of the Nigerian Anti-Corruption Legal Mechanisms**

Nigeria has been engaged in a long-standing battle against corruption, bribery, fraud, and disorder. Several administrations have attempted to curb corruption by implementing anti-corruption laws and measures. These measures include the Independent Corrupt Practices and Other Related Offences Commission (ICPC) Act, which focuses on prosecuting corrupt practices in the public sector, and the Economic and Financial Crimes Commission (EFCC) Act, which deals with financial crimes such as money laundering and advance fee fraud. Despite the establishment of various Law Enforcement Authorities (LEAs) and Anti-Corruption Agencies (ACAs), including the EFCC, ICPC, and CCB, corruption remains rampant in Nigeria.<sup>51</sup>

Existing anti-corruption laws are not effectively enforced, and public officials continue to engage in corrupt practices with impunity. The successful fight against corruption depends on the implementation and enforcement of anti-corruption laws and measures, ensuring the prevention of corrupt practices and investigation and prosecution of corrupt public officials.<sup>52</sup>

Nigeria already has adequate legislation to combat corruption, and the enactment of new laws is not the solution. Instead, SAIs, ACAs, and LEAs should be granted constitutionally entrenched mandates to protect their functions, prevent role duplication, and ensure independence, funding, and enforcement powers. Specialized anti-corruption prosecutors should be established to investigate and prosecute corruption offenses of "special importance" committed by public officials in the performance of their duties. Nigeria needs to consolidate anti-corruption efforts, provide education and training to individuals and institutions responsible for curbing corruption, and establish specialized prosecutors to effectively combat corruption.<sup>53</sup>

### **Lessons Learned from Singapore and Sweden**

Corruption is a pervasive issue that affects many countries, including Nigeria, and it has been a major hindrance to the country's economic, political, and social development. In recent years, the Nigerian government has taken several measures to fight corruption in the public sector, but these measures have not been fully effective. Sweden and Singapore are widely recognized as two of the least corrupt

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<sup>50</sup> Olusola O. Karimu, 'Effects of the Nigeria Police Force Personnel Welfare Condition on Performance' (2015) 3(1) European Journal of Research and Reflection in Arts and Humanities

<sup>51</sup> Myles Nwabunka, 'Nigeria's War Against Corruption: What are Laws Without Effective Implementation and Enforcement? The Real Solutions to Combating Corruption in Nigeria' (PhD thesis, University of Leeds 2021) <<https://etheses.whiterose.ac.uk/30135/>> last accessed 15 March, 2023

<sup>52</sup> *ibid*

<sup>53</sup> Myles Nwabunka, 'Nigeria's War Against Corruption: What are Laws Without Effective Implementation and Enforcement? The Real Solutions to Combating Corruption in Nigeria' (PhD thesis, University of Leeds 2021)

countries in the world.<sup>54</sup> They have both taken a number of measures to prevent and address corruption in the public sector, and these measures have been instrumental in shaping the perception of corruption in their respective countries.<sup>55</sup> Sweden and Singapore's experience in fighting corruption in the public sector could provide valuable lessons for Nigeria, as the country continues to struggle with corruption issues.

One of the measures that has been taken in both Sweden and Singapore to prevent public sector corruption is the implementation of codes of conduct for public officials.<sup>56</sup> These codes of conduct are designed to promote transparency, accountability, and integrity in the public sector.

Another measure that has been taken in both Sweden and Singapore to prevent corruption in the public sector is the creation of anti-corruption agencies. In Sweden, the National Anti-Corruption Unit (NACU) is responsible for investigating and prosecuting cases of corruption in the public sector.<sup>57</sup> In Singapore, the Corrupt Practices Investigation Bureau (CPIB) is responsible for investigating and prosecuting cases of corruption in the public sector. These anti-corruption agencies play a critical role in shaping the perception of corruption in their respective countries, and they could provide valuable lessons for Nigeria in terms of how to establish and manage anti-corruption agencies.

The procurement process is another area in which Sweden and Singapore have taken measures to prevent corruption in the public sector. In Sweden, the procurement process is designed to be transparent and competitive, with a focus on ensuring that the best value for money is obtained.<sup>58</sup> In Singapore, the procurement process is designed to be transparent, competitive, and accountable, with a focus on preventing corruption.<sup>59</sup> The procurement process in both Sweden and Singapore could provide valuable lessons for Nigeria in terms of how to design and implement a procurement process that is transparent, competitive, and accountable.

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<sup>54</sup> Norman Bailey, 'How to Fight Corruption' (2022) 36(4)The International Economy

<sup>55</sup> Marina Makarova, 'The Anti- Corruption Civil Society in Sweden as Part of Sustainable Policy Networks' (2018) 3(26) Regional Formation and Development Studies

<sup>56</sup> Lim Bee Khim, 'Public Officers Governed By Code of Conduct and Discipline' (Ministry of Finance, Singapore, 27 August 2012) <<https://www.mof.gov.sg/news-publications/forum-replies/Public-Officers-Governed-By-Code-of-Conduct-and-Discipline>> last accessed 1 April, 2023; Svensson Goran and Greg Wood, 'Codes of Ethics Best Practice in the Swedish Public Sector: A PUBSEC-Scale' (2004) 17(2) International Journal of Public Sector Management

<sup>57</sup> Marina Makarova, 'The Anti- Corruption Civil Society in Sweden as Part of Sustainable Policy Networks' (2018) 3(26) Regional Formation and Development Studies

<sup>58</sup> Karolin Knutsen-Öy, 'Transparency in Public Procurement Processes –A Case Study of a Swedish Public Procurement Process in the Consultancy Market' (Master of Science Thesis, KTH Industrial Engineering and Management 2015)

<sup>59</sup> Ministry of Finance Singapore, 'Understanding the Procurement Process' (Ministry of Finance Singapore 2020) <<https://www.mof.gov.sg/policies/government-procurement/understanding-the-procurement-process>> last accessed 1 April, 2023



In addition to these measures, Sweden and Singapore have also taken a number of other measures to prevent and address corruption in the public sector. These measures include the promotion of transparency and accountability, the strengthening of anti-corruption laws, the strengthening of anti-corruption institutions, and the strengthening of anti-corruption enforcement.<sup>60</sup>

Despite the measures that have been taken by Sweden and Singapore to prevent corruption in the public sector, there is still room for improvement. For instance, Sweden has faced criticism for its lack of transparency in the procurement process,<sup>61</sup> and Singapore has faced criticism for its lack of transparency in the political process.<sup>62</sup> However, despite these criticisms, both Sweden and Singapore are widely recognized as two of the least corrupt countries in the world, and their experience in fighting corruption in the public sector could provide valuable lessons for Nigeria in terms of how to address its own corruption issues.

In conclusion, the measures that have been taken against public sector corruption in Sweden and Singapore could provide valuable lessons for Nigeria in terms of how to address its own corruption issues. These measures include the implementation of codes of conduct for public officials, the creation of anti-corruption agencies, the procurement process, and the promotion of transparency and accountability.

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<sup>60</sup> Marie Chene, 'What Makes New Zealand, Denmark, Finland, Sweden and Others 'Cleaner than Most Countries'' (Transparency International 5 November, 2011) <<https://www.transparency.org/en/blog/what-makes-new-zealand-denmark-finland-sweden-and-others-cleaner-than-most-countries>> last accessed 1 April, 2023

<sup>61</sup> Karolin Knutsen-Öy, 'Transparency in Public Procurement Processes –A Case Study of a Swedish Public Procurement Process in the Consultancy Market' (Master of Science Thesis, KTH Industrial Engineering and Management 2015)

<sup>62</sup> Freedom House, 'Freedom in the World 2021: Singapore 48/100' (Freedom House 2021) <<https://freedomhouse.org/country/singapore/freedom-world/2021>> last accessed 1 April, 2023