

UNEASINESS OF INCREASING CORRUPTION IN SOUTH AFRICA: AN APPRAISAL

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Abstract

Corruption undermines the national security of a state and it makes the citizens to have a diminished trust in the government. This study sought to explore the perception of increasing corruption in South Africa. This secondary data analysis involved the 2014/2015 South African Victims of Crime Survey from Statistics South Africa. Sample size was 24,701 HHs (n= 24,024 individuals). Using interviewer-administered questionnaire, information obtained included socio-demographic data, experience of household crime, perception about the level of corruption in the past three calendar years, satisfaction with police services and trust in the SAPS. Data analysis included descriptive statistics. Of the households surveyed, 75.9% (n=18,785), 11.1% (n=2565) and 13.1% (n=3109) reported that the level of corruption had increased, decreased, and stayed the same respectively in the past three calendar years preceding the survey. A higher population of those who thought that the courts were not performing their duties adequately reported that the level of corruption had increased in the past three years than those who thought the courts were performing their duties adequately (80.48% vs. 74.09%; $p<0.001$). The higher the level of education, the higher the proportion of respondents who reported that the level of corruption had increased in the past three years. The percentage of respondents who reported that the level of corruption had increased was lower among those who trusted the police than those who did not trust the police (73.5% vs. 83.6%; $p<0.001$). The findings show that most South Africans believe that the levels of corruption have increased.

Keywords: Corruption, South Africa, courts, education, police.

INTRODUCTION

The Global Corruption Barometer Survey conducted by Transparency International (TI) in 2016 specifies that corruption is one key problem facing virtually all countries of the world (Transparency International, 2016). Notwithstanding its global ubiquity, public perception of its occurrence is another issue of concern. However,

the nature and scope of corruption differ from one country to another. While significant efforts are being made to curb the menace in the developed world, through a range of progressive programmes, reforms and radical initiatives, corruption has persisted in most African countries, including South Africa (Szeftel, 2007). In point of fact, corruption is perceived to be extremely endemic on the South African national landscape.

It is instructive to note that institutionalisation of corruption is not a recent development in South Africa. There are documentations on its prevalence during the apartheid era (Leggett, 2005). But then, if the extent and frequency of corrupt practices in South Africa between the pre- and post- 1994 democratic dispensation are juxtaposed, it will be an understatement to say the latter is not worse than the former. The daily heaps of complaints, evidences, protests, to mention a few, on the weights of corruption levelled against the present administration, from various stakeholders across the country, especially via the media, are proofs. Corruption has impacted negatively on the State. It has frequently threatened the relative peace and economic stability of the country (Pillay, 2004). Profoundly, corruption has resulted in a deterioration of public trust in State institutions, and undermines the credibility and accountability of political leadership (Fry, 2013). It has also created a landing space for organised crime syndicates to exploit the venality of the system, to perpetrate a spectrum of other serious crimes, such as human and drug trafficking (Bello, 2015).

An evaluation of the extent corruption in South Africa, and the efforts made by the State to curb its scourge has been ongoing for some time now. Much of such assessment reports, often carried out by internationally recognised and accredited institutions and agencies, suggest South Africa is not really making any headway in addressing this malady. Starting with the report of Transparency International (TI), through its Corruption Perception Index Report (CPI) – a periodic corruption level assessment scheme (CPI Reports, 2010-2013). The CPI report indicates that corruption has increased in South Africa, despite the existence and efforts of numerous anti-corruption institutions to curb it (Pillay 2004:586).

Similarly, from the Afro-barometer surveys of almost thirty five (35) African countries, including South Africa, conducted from 2011-2013, it was reported that *for the first time, South Africans perceive corruption as one of the top 5 problems – rising from 15% in Round 4 (2008) to 26% in Round 5 (2011)* (Afro-barometer, 2012:4). The survey also showed an increase in the level of public perceptions of corruption of all government officials (Afro-barometer, 2012:4). Under the sub-theme of corruption, the breakdowns of the key findings of the Afro-barometer survey are as follows:

- (1) Perceptions of government corruption toward the office of the president, Members of parliament, national officials, and local government councillors, have all risen since 2008.
- (2) About fifty-one (51%) of South African citizens view local government councillors as corrupt (compared with 35% in 2008).
- (3) 35% of South Africans perceive the office of the president as corrupt (compared to 31% in 2008).
- (4) A majority of citizens -52% - view the police as corrupt (compared to 46% in 2008).
- (5) 23% of South Africans view their tax officials as corrupt – down from 29% in 2008. Tax officials are the only government officials perceived to be less corrupt in 2011 than in 2008.

Similarly, from the result of the 2014 Transparency International Countries' Corruption Index, South Africa ranked 67th out of 175 corrupt countries.¹ It was also recorded that in the last 20 years, South Africa has lost R700 billion to corruption. An amount that is equivalent to more than half of the nation's annual budget². Relatedly, an appraisal on corruption in South Africa indicates that the year 2015 South Africa witnessed "major scandals in the public sector and within state owned entities such as the Passenger Rail Association of South Africa (PRASA), South African Airways (SAA), and Eskom" (Mathekga 2017:223).

While these statistics represent institutional views on the spate of corruption in the country, more study on public perception of corruption in South Africa still needs to be explored. Previous studies on public perception of corruption in South Africa are relatively not recent. Hence, inferences of such studies may not be robust enough to explain current complexities of corrupt practices in the country. Therefore, there is the need to assess current corruption dynamics in South Africa, and the perception of the public. Such perception may help in presenting a comprehensive national portrait on current extent of the crime, that can be generalised on a longitudinal scale - hence the relevance of this study. More so, there may be need to access public views on how the country arrive at this stage today, in terms of corruption; what measures

¹ SA ranked 67th in Corruption Index (2014, 12 March) *City Press*

² R700 billion lost to corruption in South Africa (2015, 28 January) *Business Tech/SAPA*. Available at <http://businesstech.co.za/news/general/78489/r700-billion-lost-to-corruption-in-south-africa/> [accessed 4 October 2016].

have been put in place to curb the menace, and their effectiveness. There may also be the need to assess public perception of the institutions of the State that is the most corrupt. Against these backdrops, the objective of this article is to explore public perception of corruption in South Africa.

1.1 What exactly is corruption?

Defining what constitute corruption is not an easy task. As a socioeconomic cum political malady, corruption has transformed through the ages, with complex multifaceted characteristics that cannot be easily peg down. It takes different forms and contexts (Bamidele, Olaniyan & Ayodele, 2016). Corruption has broadly being defined in many quarters as *the abuse of public office for private gain*. While this definition may be applicable to the political sphere, it might not fit-in to other sectors of the economy. Moreover, such definition is limited in scope - by restricting the description of the phenomenon to the *abuse of public office*. There are other components of, and activities, associated with corruption that transcends the realm of *abuse of public office for private gain*. Some of these activities include, but are not limited to, forgery, bribery, favouritism or nepotism, theft, and other misappropriation of public resources (Oluwaniyi, 2011; Drury, Kriekhaus & Lusztic, 2006).

A more comprehensive definition of corruption, suitable to the objective of this study is the type offered by Transparency International (TI). TI defines corruption as “the abuse of entrusted power for private gain” (Transparency International, 2016). TI also classified corruption into three distinct categories: *grand*, *petty* and *political*, depending on the amounts of money lost and the sector where it occurs (Transparency International, 2016). **Grand corruption** involves acts committed at a high level of government that distort policies or the central functioning of the state, enabling leaders to benefit at the expense of the public good (Transparency International, 2016). **Petty corruption** denotes everyday abuse of entrusted power by low- and mid-level public officials in their interactions with ordinary citizens, who often are trying to access basic goods or services in places like hospitals, schools, police departments and other agencies (Transparency International, 2016). **Political corruption** has to do with the manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth (Transparency International, 2016). As opposed to the definition earlier given, TI definitional scope is wider, and it captures the major ways through which corruption thrives in the society. However, the focus of this study is more on public perception of corruption in the criminal justice system.

1.2 Corruption, criminal justice system and public perception: the nexus

The success of States’ criminal justice system is measured (among others), by public perception of it, and the level of trust people have in it (Olutola & Bello, 2016). Public perception of the justice system is built on the foundation of fairness, honesty and accessibility. When any of these variables is lacking, or compromised in a system, it is often summed up in the ‘C-word’ – corruption! Predictably, an average citizen of any country will find corruption morally repugnant.

Moreover, effective social control rests on the willingness and cooperation of the citizens, who perceive the criminal justice institutions, especially the courts and the police as legitimate state institutions (Fry, 2013). A significant number of studies have shown that public perception of the legitimacy of a legal authority can determine their readiness to accept decisions, make people feel satisfied with the decisions of such authority, and also influence compliance behaviour (Olutola & Bello, 2016; Hinds & Murphy, 2007; Tyler & Huo, 2002). If the public perceive the police or judges to be fair or unbiased, and trustworthy, they will most likely comply with the law, and accept the decisions of legal authority (Akinlabi, 2017; Hough, Jackson & Bradford, 2013; Tyler, 2006). Conversely, if people perceive the police or judges to be unfair, corrupt, abysmally disrespectful, or to have been involved in some forms of illegalities, while carrying out their duties, then they are most likely to become alienated and cynical towards the law (Akinlabi, 2017; Olutola & Bello, 2016; Murphy, Bradford & Jackson, 2016; Sunshine & Tyler, 2003).

Uslaner (2008) argued that corruption stems from inequality and low trust in other people. It is a cyclical problem. High inequality in the country will result in low level of public trust, and low level of trust will in turn lead to increase in corruption, and corruption to more inequality (Ariel & Uslaner, 2017). Studies have shown strong linkages between inequalities and corruption (Ariel & Uslaner, 2017; You, 2015; Oluwaniyi, 2011; You & Khagram, 2005). Glaeser et al (2004) argue that corruption thrives in societies where there is a high level of inequality:

...inequality...enables the rich to subvert the political, regulatory, and legal institutions of society for their own benefit. If one person is sufficiently richer than another, and courts are corruptible, then the legal system will favor the rich, not the just. Likewise, if political and regulatory institutions can be moved by wealth or

influence, they will favor the established, not the efficient. This in turn leads the initially well situated to pursue socially harmful acts, recognising that the legal, political, and regulatory systems will not hold them accountable. Inequality can encourage institutional subversion in two distinct ways. First, the have-nots can redistribute from the haves through violence, the political process, or other means. Such Robin Hood redistribution jeopardises property rights, and deters investment by the rich (Glaeser et al., 2004: 200).

To further explicate the connection between corruption and inequalities in the society, You and Kaghram (2005:138) contend: "The rich, as interest groups, firms, or individuals may use bribery or connections to influence law-implementing processes (bureaucratic corruption) and buy favourable interpretations of the law (judicial corruption)." This perhaps is one of the prominent forms of corruption in Africa, where class struggle is prevalent, and where there is wide economic disparities between the rich and the poor. The effects of inequalities as a causative factor of corruption in societies are much. It often nurtures in the ordinary citizens of a State, a sense of dependency and skepticism for the future, which in turn weakens the moral injunctions of treating your neighbours fairly. It also propels the relatively lower class citizens to perceive the system to be structured against them (Uslaner, 2002:181-183). Inequality misrepresents the key institutions of fairness in society. For instance, public trust in the courts, which serve as the hope of the common citizen for justice, particularly against evil-doers, will be eroded (You and Khagham, 2005; Glaeser et al., 2004).

1.3 Factors fuelling corruption in the 21st century: empirical findings

There is no gainsaying the fact that corruption has permeated virtually all facet of our society, and national life. It has undisputedly impacted negatively on the socioeconomic and political developments of our commonwealth. The motivations for corrupt practices are complex, and interlocks with certain factors at the micro-, meso-, and macro level (Dimant & Tosato, 2017; Bicchieri & Ganegonda, 2016; Dimant & Schulte, 2016). However, it will be impracticable to discuss all these causative factors in this article due to word limit, but efforts will be made to discuss the resonating ones.

Studies have established strong linkages between ethnic diversity and corruption (Dimant & Tosato, 2017; Dincer, 2008; Treisman, 2000). For instance, Dimant & Tosato argue that large ethnic division fuels corruption, caused by clan preference or nepotism (Dimant & Tosato, 2017). Put differently, people of the same ethnic configuration are more likely to favour one-another in different spheres of life – politically (in terms of political appointments), economically (while awarding contracts or tenders), to mention a few. Ethnic sentiments and prejudice are often placed above merits in such instances. If a member of a particular ethnic group is elected into a public office, or holds a public position, such individual is more likely to allocate resources favourably to members of his or her ethnic group. Such gestures will be reciprocated by the latter in assisting and supporting the former to remain in public office, even when the former has been indicted of corrupt practices. Such supports are often demonstrated in modern times, and it usually takes the form of drumming supports, so-called peaceful demonstrations and rallies for an indicted corrupt public office holders. Situations like these sometimes baffle and make the authors of this article to wonder if the 'war' against corruption in our society today, is not a national boondoggle.

The size of government is another fundamental causative factor of corruption in several parts of the world, especially in Africa. Studies have found a symbiotic relationship between large size governments and corruption (Dimant & Tosato, 2017; Arvate et al., 2010). The larger the size of government, the higher the level of corruption. Characteristically, in large governments, there is the likelihood that individual level of accountability, especially of public office holder will reduce. There will also be more, albeit unnecessary strata of bureaucracy, and incessant state intervention in the economy. All these indicators and factors will indisputably breed corruption. Empirical study from transition countries (especially from 1996-2003) found that the larger the size of government, the greater the levels of corruption (Arvate et al., 2010). However, it is not generalise that all large-size government will result in high level of corruption, as there are studies that have shown an inverse relationship between large-size government and the level of corruption (Goel & Nelson, 2010; Goel & Budak, 2006). However, the authors are concerned about those that affect developing and less-developed countries of Africa.

Furthermore, studies have shown strong linkages between over-centralisation of government and corruption (Dell'Anno & Teobaldelli, 2015; Fisman & Gatti, 2002; Treisman, 2000). Ordinarily, centralisation of government should help mitigate against incidences or corruption and other sharp practices accustomed to democratic governance, but it has outlived its usefulness. For instance, most African countries are nation-state, with heterogeneous cultures, languages, and unequal level of development. In point of fact, some constituents of the States, are unequally endowed with natural and human resources. Centralisation of governmental powers sometimes make it very difficult for such endowed constituent units to optimally benefits from the wealth of resources, and benefits accruing from their environment. Corruption has been

fingered as a major causative factor of such social-economic deprivation (Oluwaniyi, 2011). Bureaucratic bottlenecks in most States' central institutions have often made it very difficult for an equitable distribution of financial resources and other ancillary benefits to the federating units. Moreover, most government officials at the centre often divert public funds to private accounts. The national treasury of several African States have been consistently looted by successive regimes due to over-centralisation of State powers and control. For instance, several African leaders have diverted public funds to private accounts and have also laundered such funds to Europe, to acquire assets, and for other selfish ambitions.

Meanwhile, a decentralised government will likely reduce corruption (Fisman & Gatti, 2002). Such position is premised on the fact that a decentralised government will likely foster competition and healthy rivalry among other component units or between regions. It will aid in constituents' aspirations for self-reliance, economic growth and development, prevent frequent State interventions, and allows for healthy migration of skilled and unskilled people instead of engaging of corrupt practices. Findings from a study conducted by Fisman (2002) lend credence to the fact that there is a strong relationship between fiscal decentralisation in government expenditure and a reduction in corruption (Fisman 2002). This finding was corroborated by a latter study that discovered a negative relationship between decentralisation and corruption (Dell'Anno & Teobaldelli, 2015).

1.4 Legal System

Empirical studies on corruption have shown a linkage between the menace and nature of legal system practised in a country (Pellegrini & Gerlagh, 2008; Treisman, 2000). Superlatively, it has been contended that the kind of legal code in a country will affect the quality of government, which in turn will affect the level of corruption (Dimant & Tosato, 2017). From the initial empirical study conducted it was discovered that countries with common law had lower levels of corruption (Dimant & Tosato, 2017; Treisman, 2000). Conversely, another empirical study that intended to establish the linkages between common law and corruption found no significant connection after controlling other factors (Dimant & Tosato, 2017; Pellegrini & Gerlagh, 2008).

1.5 CONCLUSION

Corruption in South Africa seems to be spreading with impunity and something practical needs to be done to avoid mass chaotic situation. There seems to be lack of political will on the part of the ruling political party. Notwithstanding the structures in place in the country to fight corruption, the ordinary citizens are worried about the rumour and the denialism of "State capture". The efficiency and the effectiveness of the structures put in place by the founding fathers of the country have been water down by other strategies of the incumbents, redeployment of comrades to other areas to douse the tension generated by public outcry whenever there is public hubbub against corruption.

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