



Analysis of P.C. act and awareness in society by referring case study in nanded range anti-corruption bureau

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Abstract

This paper critically analyzes India's anti-corruption legal framework, paying particular attention to how the Anti-Corruption Bureau (ACB) operates. It examines the development of anti-corruption laws over time, such as the Lokpal and Lokayuktas Act of 2013 and the Prevention of Corruption Act of 1988, as well as associated institutional frameworks like the Whistle Blowers Protection Act and the Central Vigilance Commission. By examining actual case studies, the study evaluates how well the ACB handles instances involving corruption. It examines the shortcomings of current tactics, like resource restrictions, political meddling, and prosecution delays, via a literature-informed lens. Additionally, the paper includes theoretical perspectives on public involvement, educational outreach, digital tools, and systemic corruption. The results indicate that although legislative frameworks appear to be strong on paper, their effectiveness depends on increased institutional independence and public involvement. The report suggests multiinstitutional cooperation and structural changes to enhance anti-corruption enforcement at the local level.

Keywords: Prevention of corruption act, anti-corruption bureau

Introduction

The Prevention of Corruption Act, 1988 (POCA) was created to stop corruption in government institutions and to punish and prosecute public servants who commit corrupt acts. In the battle against evil, it is a powerful weapon. The effectiveness of this legislation is critical to the battle against corruption. The Central Government may designate judges to look into and try instances where the offenses listed in the Act have been committed, or where there has been a conspiracy to commit or an attempt to commit the offenses. The author attempts to explore The Prevention of Corruption Act, of 1988 in this post by going over its background and important provisions. The article will also include judicial interpretations and later amendments to the Act.

The Prevention of Corruption Act, 1988, is India's main statute governing public servants' offenses linked to corruption. The 1988 Act addresses offenses such as taking bribery, criminal activity (such as accumulating disproportionate wealth) by a public official, and requires prior government approval for punishment. Every action a public servant must do while carrying out their duties as a government employee is protected under the principle of immunity. They are shielded from criminal prosecution by the reason behind their actions. There is one exception, though: a criminal conduct that is carried out in the name of authority but is actually done for the personal enjoyment or advantage of public personnel will not be shielded by the notion of state immunity. India committed to align its domestic legislation with the United Nations Convention against Corruption, 2005 (UNCAC) after ratifying it in 2011. The UNCAC targets bribery of foreign public officials, bribery in the private sector, and the unlawful enrichment and acquisition of excessive assets by public servants as offenses.

1. Definition of Corruption

The notion of "corruption" is not universal and might differ depending on the legal, sociological, and ethical context. Nonetheless, the misuse of authority for personal benefit is typically referred to as corruption in legalese. A public servant receiving an unfair advantage with the aim to carry out or refrain from carrying out an official act is considered corrupt, as stated in Section 7 of the Prevention of Corruption Act, 1988. The Act replaces previous terminology like "gratification" with a broader definition of "undue advantage." Bribery, embezzlement, unlawful enrichment, trading in influence, and obstruction of justice are all included in the broad definition provided by the United Nations Convention against Corruption (UNCAC), which India joined in 2011.

2. Prevention of Corruption Laws in India

The rule of law, democratic governance, and socioeconomic advancement have all long been acknowledged to be seriously threatened by corruption. It erodes public trust in governance systems, skews policymaking, and jeopardizes the integrity of public institutions. Every level of the Indian government is impacted by the systemic and pervasive corruption issue, which goes beyond simple administrative issues. To combat corrupt activities and preserve the values of openness, responsibility, and integrity, a strong and comprehensive legal framework is required. The Indian legal system has developed a number of legislative initiatives to fight corruption over time. Among the most notable are the Lokpal and Lokayuktas Act, 2013 (Act No. 1 of 2014), the Prevention of Corruption Act, 1988 (Act No. 49 of 1988), and pertinent sections of the Indian Penal Code, 1860, specifically Sections 7, 8, 9, 10, 11, 12, 13, and 14 of the PCA, as modified by the Prevention of Corruption (Amendment) Act, 2018. The Central Vigilance Commission Act of 2003 and the Whistle Blowers

Protection Act of 2014 are two more noteworthy pieces of legislation.

3. The Prevention of Corruption (Amendment) Act 2018

The primary goal of this Act is to align the 1988 Act with UNCAC. The following is a summary of the significant changes made to the Act of 1988 by the Amendment Act of 2018:

- a. **Bribe offense scope:** The Act broadens the concept of accepting a bribe to include commercial organizations and makes offering a bribe an offense.
- b. **Bribery:** The Amendment Act modifies the crime of a public servant accepting a bribe. The penalty for the offense has been increased and now consists of three to seven years in prison as well as a fine.
- c. **Offering a bribe:** A new law has been passed that addresses the crime of offering a bribe to a public servant. In addition to a fine, the penalty consists of three to seven years in prison.
- d. **Involvement of intermediaries and third parties:** The Act makes it illegal to accept a bribe through intermediaries or third parties.
- e. **Bribery by a Commercial Organization:** If a commercial organization provides any kind of reward in exchange for gaining or maintaining a competitive edge in business, it is guilty of bribing a public official. The individual representing the organization and its leader would be found guilty and subject to a fine in addition to three to seven years in prison.
- f. **Abetment:** Complicity in accepting a bribe carries a sentence of three to seven years in prison as well as a fine.
- g. **Habitual offender and criminal misconduct:** The definition of habitual offender and criminal misconduct has been expanded, and the sentence has been changed from three to seven years, with a fine imposed.
- h. **Attachment of property obtained through bribery:** A new chapter, Chapter IV-A, has been added. It is titled Attachment and forfeiture of property and includes Section 18A. With previous government approval and Special Judge authorization, the investigating agency can now seize the property of a public official who is the subject of an investigation.
- i. **Protection of Retired Public Employees:** Prosecution of retired public employees now requires prior approval from the State or Central Government.
- j. **Presumption of wrongdoing:** This clause is amended by the Amendment Act to incorporate the presumption of guilt solely for the offense of accepting a bribe.

4. History of Prevention of Corruption Laws in India

4.1 Constitution of India

- **Article 311:** Dismissal of public servants for misconduct.
- **Entry 2 of State List (List II), Seventh Schedule:** Empowers states to legislate on police and criminal investigation (basis for ACBs).

4.2 Indian Penal Code, 1860 (Now Repealed Sections Replaced by PCA)

Former anti-corruption provisions (now repealed):

- **Section 161:** Public servant taking gratification.

- **Section 165:** Public servant obtaining valuable thing without consideration.

4.3 Code of Criminal Procedure, 1973

- Governs investigation, arrest, and prosecution procedure (used alongside PCA)

4.4 Prevention of Corruption Act, 1988

4.5 Central Vigilance Commission Act, 2003

- Statutory status to CVC as apex integrity institution
- Supervises vigilance administration in Central Government organizations

4.6 Right to Information Act, 2005 (Complementary Tool)

- Facilitates transparency and citizen participation in uncovering corruption

4.7 United Nations Convention Against Corruption (UNCAC), 2005

- India ratified in 2011
- Serves as international framework guiding national anti-corruption legislation

4.8 Lokpal and Lokayuktas Act, 2013

- Establishes Lokpal (Centre) and Lokayuktas (States)
- Covers high-ranking officials including PM, MPs, and senior bureaucrats

4.9 Whistle Blowers Protection Act, 2014

- Provides for protection of whistleblowers against victimization
- Allows public servants and citizens to report corruption

4.10 Benami Transactions (Prohibition) Amendment Act, 2016

- Used for property attachment in disproportionate assets cases

4.11 The Prevention of Corruption (Amendment) Act of 2018

- **Section 7:** Public servant taking gratification
- **Section 8 to 10:** Taking gratification by persons other than public servants
- **Section 11:** Public servant obtaining valuable thing without consideration
- **Section 13(1)(a)-(d):** Criminal misconduct by public servant
- **Section 13(1)(e):** Disproportionate assets
- **Section 17:** Powers of investigation
- **Section 17A:** Prior sanction for investigation against public servants
- **Section 19:** Previous sanction for prosecution

5. Relevant Changes in Prevention of Corruption Act 1988

- Section 4(4) states that courts are no longer required to finish trials for offenses linked to the Act within two years; if they do not, judges must document their request for an extension.
- A study can now be prolonged for up to four years, with each extension lasting six months.

- Those who assist in the payment of a bribe or make an effort to corrupt a public official face penalty under Section 8. Acts committed under duress are exempt from the Amendment Act as long as the accused individual files a complaint with the police or an investigative body within seven days of the alleged coercion.
- Commercial organizations and anyone associated with them are now specifically addressed in Section 9. While the phrase "persons affiliated with commercial organization" is broad enough to include both employees and vendors, the term "commercial organization" is defined to include all corporate structures.
- Directors, officials in default, or anybody in charge of a commercial organization who approves of a corrupt act in breach of the Act's criteria face particular jail terms and fines under Section 10.
- It seems that the Amendment Act has limited the situations in which a public servant could be charged with a crime.
- The Act's Section 13 has been amended to include unjust enrichment and property misappropriation alone as grounds for misconduct (measured by disproportionate assets). In the past, Section 13 regarded widespread tendencies to participate in corrupt activities or seek bribes as grounds for criminal misconduct.
- It seems that the Amendment Act makes it harder to prosecute government employees.
- The amendment to Section 19 stipulates that a sanction must be requested from an entity that has the right to fire a public employee before they can be charged under Sections 7, 11, 13, and 152 of the Act.
- Before the court can take cognizance of the offense, an investigative authority (such a police officer) must request authorization. In addition, there are a number of compliance requirements that must be fulfilled.

Review of Literature

A worldwide and multidisciplinary framework is necessary to comprehend India's institutional and legal fight against corruption, especially as it is carried out by regional agencies like the Anti-Corruption Bureau (ACB). Legal, political, economic, sociological, and technological viewpoints are becoming more and more integrated into contemporary anticorruption initiatives. The literature listed below illustrates the theoretical difficulties and real-world inadequacies of enforcement tools while reflecting changing perspectives on corruption.

a. Systemic Corruption and Sector-Specific Vulnerability

Tacconi and Williams ^[1] offer an essential worldwide viewpoint on the widespread effects of corruption, contending that it not only impairs socio- not only jeopardizes environmental governance but also economic development. Their research is especially helpful in examining corruption that is sector-specific, such as in resource allocation, urban development, or public health engineering, where authorities are frequently caught conspiring with private parties to evade environmental regulations or embezzle money. This is particularly pertinent to ACB jurisdiction, as bribery and

misappropriation often occur in the areas of water management, building licenses, and land records. Since "principals" (political masters) are frequently involved in corruption, the authors' rejection of principal-agent theory in favor of collective action theory offers a convincing framework for understanding corruption at the state and district levels. This is consistent with the findings of the ACB, where field officers state that unless public involvement or whistleblower protection is available, existing enforcement processes are less successful because large-scale cooperation frequently involves numerous levels of political and bureaucratic actors.

b. ICT and Digitalization in Anti-Corruption Enforcement

Kossow ^[2] draws attention to the growing use of ICT-based platforms and digital tools in anti-corruption initiatives, especially in developing countries. Programs such as the Centralized Vigilance Portal, e-governance efforts, and state-level helplines for reporting corruption have been implemented in India. For the purpose of tracking complaints and managing digital evidence, the ACB has also implemented a few ICT solutions. But as Kossow points out, little is known about the true effects of these interventions, and they can occasionally be surface-level. Officers interviewed in the field identify difficulties such Lack of infrastructure for digital monitoring, non-integrated databases, and complainants' lack of digital literacy all severely restrict the effectiveness of technology.

c. The Role of Education and Civic Engagement

According to Dewantara *et al.* ^[3] anti-corruption education is crucial for fostering civic virtues and legal knowledge. Their perspective reaffirms the necessity of including legal literacy initiatives into regional ACBs' operational framework. Programs to raise awareness of corruption are uncommon in educational institutions, and ACB interaction with civil society is still quite low. Although the writers' focus on moral behavior and character education is in line with Indian government programs such as the Integrity Pledge, which is supported by the Central Vigilance Commission (CVC), district-level implementation is still lacking.

d. Assessing Legal Reactions to Systemic Corruption

According to Davis ^[4] law enforcement continues to be important despite systemic corruption, but it has to change via tactics like "political engagement," "institutional multiplicity," and "big push enforcement." This is particularly pertinent to ACB, which, while though it operates under the PCA, 1988, frequently finds that political non-cooperation and procedural hold-ups (such as the need for prior sanction under Section 17A) impede its work. According to Davis' perspective, laws such as the Prevention of Corruption Act are important, but they are insufficient on their own, particularly in situations when political and bureaucratic players work together. His appeal for institutional diversity also backs the notion that in order to create a multi-tiered system, ACBs need to work more closely with Lokayuktas, the Central Vigilance Commission (CVC), and the state judiciary. environment for enforcement.

e. Political Patronage and Structural Corruption:

Siddiquee and Zafarullah's [5] analysis of Malaysia's kleptocratic tendencies reveals a number of startling similarities with the state-level corruption situation in India. Their criticism of money politics, patron-client networks, and institutional hollowness strikes a deep chord in cases where high-ranking officials avoid investigation because of a lack of sanction or selective law enforcement, and complaints are frequently politically suppressed. Even with robust legislation, the independence of enforcement agencies like the ACB is frequently compromised by their administrative subordination to state home departments. Similar to Malaysia's experience, both institutional subservience and political influence imply that unless ACBs are given functional autonomy, their efficacy will continue to be surface-level.

f. Gender, Perception, and Public Engagement

By examining how voters perceive anti-corruption capacity, specifically in relation to gender, Bauhr, Charron, and Wängnerud [12] offer a distinctive perspective. Despite being centered in the EU, this study provides valuable insights into public trust, which is a key component in motivating citizens to expose corruption to regional organizations such as the ACB. According to data from recent RTI responses, women tend to underreport corruption, primarily because they are afraid of social stigma or lack faith in police-led organizations. Therefore, gender-sensitive police deployment and gender-inclusive policy messaging may enhance trust and reporting.

g. Understanding Cultural and Institutional Complexity

Amanquandor [9] Challenges the conventional narratives of failure in anti-corruption rhetoric, especially in the Global South, in his book Understanding Cultural and Institutional Complexity. He offers a socio-legal perspective to explain why formal regulations frequently don't match real-world behavior. Officers indicate that "silent understandings" between politicians and field officers, as well as unwritten standards of bureaucratic obedience, frequently take precedence over legislative mandates. This study supports the necessity to investigate corruption as a cultural standard as well as a legal transgression, particularly in rent-seeking bureaucracies.

h. Mass-Elite Perception Gap

Gouvea Maciel and Santos [10] investigate how the public and political elites have different ideas about what constitutes corruption. Because officials view corruption as bureaucratic mismanagement and citizens view it as a political violation, their results of mass-elite incongruence explain why enforcement agencies like the ACB frequently encounter mistrust from the public. Civic support for ACB initiatives may be weakened by this perception gap, indicating that district-level efforts to redefine anti-corruption rhetoric and close gaps in public communication are crucial.

i. The Concept of Strategic Corruption

Pozsgai-Alvarez and Huss [11] introduce, is especially pertinent to comprehending how regional political actors

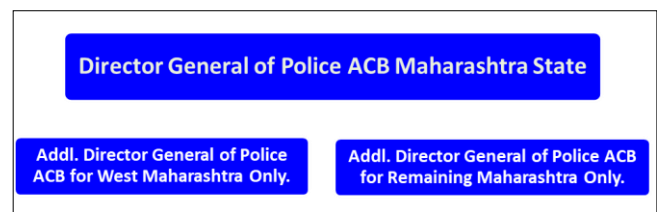
may use corruption not only for their own benefit but also to control constituencies, finance election campaigns, or strengthen administrative allegiance. This pattern is reflected in the context of reports of "politically protected" officials. Strategic corruption makes it difficult to distinguish between subversion and governance, and anti-corruption bureaus risk becoming supporting actors in a system that is rife with structural corruption in the absence of political will from the top down.

j. Supervisory Cost Models and Economic Rationality

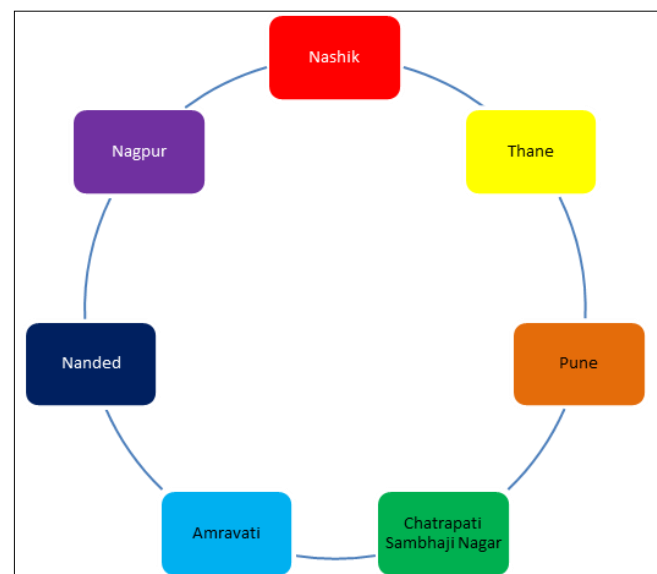
Zhang *et al.* [7] provide a supervisory-cost-benefit model to identify the ideal levels of enforcement. Despite being abstract, their approach provides a policy logic that is helpful for allocating funds for ACB operations. Resource allocation to ACB units can be informed by their results that ideal anti-corruption enforcement peaks only when institutional earnings are high. Lack of surveillance equipment, inadequate training, and understaffing are recurring problems. The mid-tier corruption persistence outlined in their model is reflected in middle-income states like Haryana, which have resource-constrained anti-corruption enforcement.

Structure and Role of Anti-Corruption Bureau

- **Following is the structure of Maharashtra State Anti-Corruption Bureau**

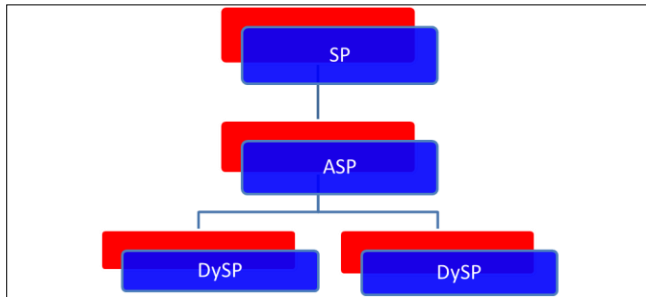


- **Anti-Corruption Bureau is sub categorized Seven Range in Maharashtra State**



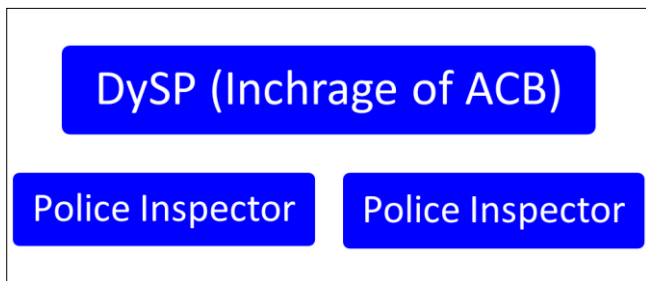
Every Range having in charge officer is Superintendent of Police (SP) is other than Distract in charge officer. There is one another subordinate officer to the in-charge officer called as Addl. Superintendent of Police (ASP).

▪ **Working Officer Structure of Anti-Corruption Bureau Range in Maharashtra**



Also, Eight Police Inspectors appointed in Anti-Corruption Bureau Range and Each Police Inspector has two Subordinate assistant Officers like Police Constable (PC), Police Hawaldar (HC) or Assistant Sub Inspector (ASI)

▪ **Working Officer Structure of Anti-Corruption Bureau in each District of Maharashtra State in All Range**



Also, Each Police Inspector has two Subordinate assistant Officers in ACB like Police Constable (PC), Police Hawaldar (HC) or Assistant Sub Inspector (ASI)

Changes in Implementation in Prevention of Corruption Act

Institutional Autonomy: Section 19 PCA states that the appointing authority must frequently approve the investigating procedure, which causes delays or the denial of prosecutorial authorization.

Political Interference: There have been many cases when political pressure has caused investigations to be halted or altered, particularly when politicians or high-ranking officials are involved.

Judicial Delays: Procedural flaws frequently cause corruption trials to be postponed, which erodes public trust in the system.

Resource Limitations: ACBs frequently lack the modern technology means necessary for monitoring and the acquisition of digital evidence, and they are understaffed.

Selective Case Studies in Nanded Range Anti-Corruption Bureau

Case Study 1: Bribe Demand by Police Officer for Non-Implementation of Arrest Warrant

Title of Case: State of Maharashtra V/S Dattarao Janardhan Jaybhaye, F.I.R. No.3213/2014 Nanalpath Police Station, District Parbhani.

Facts of the Case: In the month of November 2014, the Anti-Corruption Bureau, Parbhani, received a formal complaint from Shaikh Husain Shaikh Isaq is resident of Dharmapuri, Tq. & Dist. Parbhani alleging that the public servant, serving as a Police Officer Dattarao Janardhan Jaybhaye with Nanalpath police station, Dist. Parbhani on 01/12/2014 had demanded a bribe of ₹ 5,000/- for non-implementation of arrest warrant the payment of the illegal gratification. Shaikh Husain Shaikh Isaq refusing to comply with the unlawful demand, approached the ACB Parbhani with the intent of lodging a formal complaint under the Prevention of Corruption Act, 1988

Investigation and Legal Action: Upon preliminary verification of the facts, the ACB Parbhani registered F.I.R. No.3213/2014 Nanalpath Police Station, District Parbhani. under Section 7, 13(1)(d) of the Prevention of Corruption Act 1988, which penalizes public servants for taking gratification other than legal remuneration in respect of an official act. The Parbhani ACB organized a trap operation under the supervision of a Deputy Superintendent of Police (DySP), wherein marked currency notes were used, and the proceedings were Audio recorded for evidentiary purposes. On 24th November 2014 and 01st December 2014, the accused was caught red-handed while accepting ₹ 5,000/- in marked currency from the complainant in the Jagdamba Hotel Situated at Jintur road, Parbhani about 12 PM during official working hours. The trap was successful, and the accused was arrested by ACB Parbhani and taken into custody.

Process of Prosecution and Judgement

The case was investigated swiftly and a chargesheet was filed on 13/03/2015. The evidence included

1. Recorded audio of accused in DVR while demanding the bribe
2. Forensic report confirming the presence of phenolphthalein on the accused’s hands
3. Statements from independent witnesses and the complainant

The matter was adjudicated in the Special Court for IN THE COURT OF SPECIAL JUDGE, AT PARBHANI. Special Judge. Date of the Judgment: 27/03/2025 Special Case (A.C.B.) No. 01/2015, Thus, as prosecution failed to prove any charge against the accused, therefore, he is entitled to be acquitted.

Impact of Judgement

This case reflects the non-efficacy of trap operations ACB Parbhani. Conducted under weak procedural safeguards and demonstrates that collection of wrongful evidences gathering in realizing accused from corruption-related offences.

Case Study 2: Bribe Demand by Police Officer for Regular Work

Title of Case: State of Maharashtra V/S Ramakant Sidram Jadhav F.I.R. No.168/2016 Killary Police Station, District Laturi.

Facts of the Case: In the month of November 2016, the Anti-Corruption Bureau, Latur, received a formal complaint from Tukaram Shivram Kale is resident of Tq. Ausa & Dist.

Latur alleging that the public servant, serving as a Police Nike Ramakant Sidram Jadhav with Killari Police Station, Dist. Latur on 09/02/2017 had demanded a bribe of ₹ 2,00,000/- Complaint filed by Tukaram Shivram Kale addressing to API, Police Station, Killari Tq. AUSA regarding theft of his crop by Angad Sawant and others. The payment of the illegal gratification for implementation of Panchanama, had demanded a bribe of ₹ 2,00,000/- for his senior after negotiations ₹ 1,50,000/- for the clearance of panchanama of theft of his crop by Angad Sawant and others. The payment of the illegal gratification. Complainant refusing to comply with the unlawful demand approached the ACB, Latur with the intent of lodging a formal complaint under the Prevention of Corruption Act, 1988.

Investigation and Legal Action: Upon preliminary verification of the facts, the ACB, Latur registered FIR No. 168/2016 under Section 7, 13(1)(d) of the Prevention of Corruption Act 1988, which penalizes public servants for taking gratification other than legal remuneration in respect of an official act. The Bureau organized a trap operation under the supervision of a Deputy Superintendent of Police (DySP), wherein marked currency notes were used, and the proceedings were audio-recorded for evidentiary purposes. On 4th November 2016, the accused was caught red-handed while accepting ₹ 50,000/- in government Bollero vehicle premises of Killari hospital during official working hours. The trap was successful, and the accused was taken into custody.

Process of Prosecution and Judgement:

The case was investigated swiftly and a chargesheet was filed on 09/02/2017. The evidence included

1. Recorded audio of accused in DVR while demanding the bribe
2. Forensic report confirming the presence of phenolphthalein on the accused's hands
3. Statements from independent witnesses and the complainant

The matter was adjudicated in the Special Court for in the court of special judge, at latur. Special Judge. Date of the Judgment: 18/08/2022 Special Case (A.C.B.) No. 03/2017, Thus, as prosecution prove all charges against the accused.

Ramakant Sidram Jadhav is here by convicted for the offence punishable under Section 7 of P.C. Act 1988 and he is sentenced to suffer imprisonment for a period of One year and shall pay fine of Rs.5,000/- (Rs. Five thousand only) in default to pay the same, to undergo further imprisonment for a period of One month.

Ramakant Sidram Jadhav is hereby convicted for the offence punishable under section 13(1)(d) of Prevention of Corruption Act, 1988 as per Section 13(2) of the said Act, and he is sentenced to suffer imprisonment for a period of One year and to pay fine of Rs.5,000/ (Rs. Five thousand only) in default to pay the same, to undergo further imprisonment for a period of One month.

Impact of Judgement

This case reflects the efficacy of trap operations conducted under strict procedural safeguards and demonstrates the utility of quick prosecution and strong evidence gathering in

securing convictions in corruption-related offences.

Conclusion

Due to its many provisions pertaining to corporate entities and individuals who give an excessive advantage, the Amendment Act might be viewed favorably in terms of the anti-graft system. The definitions and penalties for offenses involving getting an unfair advantage, being a repeat offender, and aiding and abetting an infraction were also modified and reinforced. The Amendment Act created new obstacles to investigation and prosecution even though it implemented the required adjustments. According to the Amendment Act, before beginning an investigation into current or former public personnel, prior consent from the relevant authorities must be obtained. The Amendment Act has strengthened the protections available to officials accused of corruption, even though its original purpose was to safeguard honest officers.

Although India has created a strong legal framework to fight corruption, the effectiveness of enforcement—especially at the local level—remains a major obstacle, according to the report. Under the Prevention of Corruption Act, the Anti-Corruption Bureau (ACB), is a crucial enforcement body. However, it frequently functions in a constrictive environment characterized by political pressure, procedural delays, and insufficient autonomy. Case studies show the gaps between policy and execution by illustrating both systemic failures and operational triumphs. Further evidence that corruption is more than just a legal problem comes from literary analysis. but one that is ingrained in political economy and institutional culture. Therefore, fighting corruption requires a multifaceted strategy that includes enhancing investigative skills, promoting civic awareness, bolstering institutional independence, and making efficient use of digital resources. Ultimately, anti-corruption initiatives risk being symbolic rather than meaningful in the absence of sustained political resolve and public involvement. In order to increase the credibility and effectiveness of local anti-corruption mechanisms, this report recommends specific reforms.

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