UNIVERSITI TEKNOLOGI MARA

FIGHTING ADMINISTRATIVE CORRUPTION IN AFGHANISTAN

MAHDI ABOLFAZLY

PhD

June 2026

UNIVERSITI TEKNOLOGI MARA

FIGHTING ADMINISTRATIVE CORRUPTION IN AFGHANISTAN

MAHDI ABOLFAZLY

Thesis submitted in fulfilment
of the requirements for the degree of
Doctor of Philosophy
(Law)

Faculty of Law

June 2026

CONFIRMATION BY PANEL OF EXAMINERS

I certify that a Panel of Examiners has met on 23 October 2025 to conduct the final examination of Mahdi Abolfazly on his Doctors of Philosophy thesis entitled "Fighting Administrative Corruption in Afghanistan" in accordance with Universiti Teknologi MARA Act 1976 (Akta 173). The Panel of Examiners recommends that the student be awarded the relevant degree. The Panel of Examiners was as follows:

Irwin Ooi Ui Joo, PhD
Professor
Faculty of Law
Universiti Teknologi MARA
(Chairman)

Ikmal Hisham Md. Tah, PhD
Senior Lecturer
Faculty of Law
Universiti Teknologi MARA
(Internal Examiner)

Nik Ahmad Kamal Nik Mahmood, PhD
Professor
Faculty of Law
Multimedia Universiti
(External Examiner)

PROFESSOR DR HJH ZURAEDA BINTI IBRAHIM
Dean
Institute of Postgraduates Studies
Universiti Teknologi MARA

Date: 8 June 2026

AUTHOR'S DECLARATION

I declare that the work in this thesis was carried out in accordance with the regulations of Universiti Teknologi MARA. It is original and is the results of my own work, unless otherwise indicated or acknowledged as referenced work. This thesis has not been submitted to any other academic institution or non-academic institution for any degree or qualification.

I, hereby, acknowledge that I have been supplied with the Academic Rules and Regulations for Postgraduate, Universiti Teknologi MARA, regulating the conduct of my study and research.

Name of Student	:	Mahdi Abolfazly
Student ID. No.	:	2021753457
Programme	:	Doctor of Philosophy (Law) – LW951
Faculty	:	Law
Thesis Title	:	Fighting Administrative Corruption in Afghanistan
Signature of Student	:	
Date	:	June 2026

ABSTRACT

Administrative corruption in Afghanistan is a major problem affecting all levels of government and society. It undermines the legitimacy of the state, hinders development progress, and contributes to instability. Analysing the corruption control frameworks of other countries shows that the successful suppression of administrative corruption depends on effective anti-corruption measures. Previous local studies have not addressed the issue of fighting administrative corruption in Afghanistan, let alone the challenges involved in this process. The lack of a comprehensive anti-corruption framework in Afghanistan is becoming a growing concern. Considering these obstacles, the central thesis is twofold. First, the rule of law is weakened due to the excessive power of officials in policymaking and implementation of anti-corruption initiatives, the lack of political will, and the absence of a culture of zero tolerance toward corruption in society. Second, Afghanistan has had anti-administrative corruption laws and mechanisms, but they have not been implemented effectively. It is argued that some of these laws and mechanisms are not improving the social and cultural realities in Afghanistan, reflecting failed law enforcement, especially over the past two decades. Henceforth, the adoption of the "Administrative Corruption Control Framework for Afghanistan" for combating administrative corruption and bringing transparency, accountability, and consistency among government officials in their public lives is needed. Directed by these propositions, this research examines the Afghan government's approaches to combating administrative corruption. The research is theoretically grounded in the Fraud Triangle Theory and Fayol's Management Theory, which are employed to evaluate the effectiveness of Afghanistan's anti-corruption framework. The Fraud Triangle Theory is employed to examine how deficiencies in law enforcement, regulatory oversight, and accountability mechanisms create opportunities for administrative corruption. These deficiencies also facilitate the rationalisation of corrupt conduct, which ultimately undermines the rule of law. Fayol's Management Theory is employed to evaluate the structural and administrative weaknesses present within public institutions. This includes a focus on the lack of effective legal control, discipline, and managerial accountability, which obstructs the proper implementation of anti-corruption laws. The integration of these theories offers a critical framework for analysing the relationship between legal norms and institutional practices. This examination highlights how theoretical insights can contribute to legal reform efforts and enhance the enforcement of anti-corruption laws in Afghanistan. This research employs a doctrinal library-based method. The primary data consists of legislative documents, including the Afghanistan Constitution, local anti-corruption laws, the Charter of the United Nations, and the multilateral anti-corruption protocols outlined in the United Nations Convention Against Corruption. The discussion focuses on the anti-corruption efforts in Afghanistan, with the findings of this research detailed in Chapter Six. Chapter Five examines the corruption control frameworks in New Zealand and Singapore. This research revealed that the efficacy of anti-corruption laws and strategies in Afghanistan has been undermined by several factors. The research aims to contribute to the body of knowledge and literature on combating administrative corruption initiatives in Afghanistan, thereby assisting anti-corruption authorities and policymakers directly involved in such an endeavour.

ACKNOWLEDGEMENT

All praise and gratitude are due to Almighty Allah, the Most Merciful and the Most Wise, whose guidance, blessings, and divine decree have enabled the completion of this thesis. Without His mercy and support, this achievement would not have been possible. I am grateful for the strength, wisdom, and determination that have been given to me along the way, and I hope that this work will be useful and informative.

I wish to express my profound gratitude to my supervisors, Dr Akbar Kamarudin @ Abdul Shukor and Professor Dr Haidar Dzi Yauddin, for their invaluable guidance, encouragement, and support throughout this journey. Their insightful perspectives, patience, and constructive feedback have been instrumental in shaping this work and have consistently inspired me to strive for excellence at every stage of the academic process.

I also wish to express my gratitude to Dr Nor Akhmal Hasmin, head of the postgraduate program at the UiTM Law Faculty, for her invaluable assistance and support throughout my journey.

Most importantly, I wish to convey my profound and heartfelt gratitude to my family, particularly my cherished wife, Khatera. Her steadfast love, support, and faith in me have illuminated my path through every challenge. Her constant encouragement, understanding, and inspiration have transformed the most difficult moments into manageable ones, infusing this journey with both joy and motivation.

I am profoundly grateful to my parents, my brothers, and my only sister for their prayers, guidance, and unwavering support. Their steadfast faith in me, coupled with their encouragement and moral backing, has created a solid foundation of strength throughout this academic endeavour.

I would also like to express my sincere gratitude to my friends and colleagues, whose advice, companionship, and encouragement have provided warmth and motivation throughout this journey.

Finally, I wish to extend my heartfelt gratitude to all those who contributed, both directly and indirectly, to the successful completion of this thesis. Each word of support, guidance, and encouragement has been instrumental in transforming this work from a mere vision into a tangible reality.

TABLE OF CONTENTS

		Page
CONFIRMATION BY PANEL OF EXAMINERS		**ii**
AUTHOR'S DECLARATION		**iii**
ABSTRACT		**iv**
ACKNOWLEDGEMENT		**v**
TABLE OF CONTENTS		**vi**
LIST OF TABLES		**xiv**
LIST OF FIGURES		**xv**
LIST OF ABBREVIATIONS		**xvi**
CHAPTER 1: INTRODUCTION		**1**
1.1	Introduction	1
1.2	Research Background	2
	1.2.1 Administrative Law	5
	1.2.1.1 Administrative Corruption in Afghanistan	8
	1.2.1.2 Rule of Law in Afghanistan	10
1.3	Problem Statement	13
	1.3.1 The Thesis of the Research	20
1.4	Research Questions	20
1.5	Research Objectives	20
1.6	Scope of the Research	21
1.7	Research Methodology	23
	1.7.1 Research Approach	24
	1.7.2 Research Design	25
	1.7.3 Data Collection	26
	1.7.4 Data Management and Analysis	28
	1.7.5 Theoretical Framework	29
	1.7.6 Comparative Doctrinal Benchmarking	30
	1.7.7 Thematic Analysis	30

1.7.8 Data Quality 31
1.7.9 Justification of the Methodology 31
1.8 Limitations of the Study 32
1.9 Significance of the Study 33
1.10 Literature Review 33
1.11 Outline of the Research Thesis 40
1.12 Conclusion 41

CHAPTER 2: CONCEPTUAL AND LEGAL FRAMEWORK 44
2.1 Introduction 44
2.2 Corruption 45
2.2.1 Defining Administrative Corruption 49
2.2.2 Legal Definitions and Afghan Relevance 49
2.2.3 Forms of Administrative Corruption 50
2.2.4 Grand Administrative Corruption 51
2.2.5 Corruption Determinants 52
2.2.5.1 Low Press Freedom 53
2.2.5.2 Economic Factors 55
2.2.5.3 Moral Factors 59
2.2.5.4 Political Factors 60
2.2.5.5 Institutional Factors 61
2.2.5.6 Legislative Factors 63
2.2.5.7 Financial and Budgetary Factors 64
2.2.5.8 Weakness in Budget Planning and Implementation 65
2.2.5.9 Distribution of Forged Business Licenses 66
2.2.5.10 Inactivity of National Standards Authority 66
2.2.5.11 Corruption Arising from Purchases and Contracts 67
2.2.5.12 Effects of Administrative Corruption 67
2.2.6 Types of Corruption 69
2.2.6.1 Forms of Corruption 69
2.2.6.2 Embezzlement 69
2.2.6.3 Electoral Fraud 71

2.2.6.4 Factors that Foster Corruption: Direct and Indirect Influences 72
2.2.6.5 Corruption and Anti-Corruption Efforts in Afghanistan 80
2.2.6.6 Studies on Administrative Corruption 82
2.2.7 Effects of Administrative Corruption 84
2.3 Theoretical Frameworks Guiding the Research 84
2.3.1 Fraud Triangle Theory 85
2.3.2 Fayol's Management Theory 88
2.4 Gaps in the Current Body of Knowledge 94
2.5 Thematic Framework for Analysis 95
2.5.1 Integration with Theories 98
2.6 Conclusion 99

CHAPTER 3: HISTORICAL DEVELOPMENT OF THE ADMINISTRATIVE LAW 100
3.1 Introduction 100
3.2 Definitions and Functions of Administrative Law 101
3.3 Global Models of Administrative Law 103
3.3.1 Civil Law Administrative Systems 103
3.3.2 Common Law Administrative Systems 104
3.3.3 Mixed Administrative Law Systems 104
3.4 Afghanistan's Administrative Law Model 105
3.5 Historical Development of Administrative Law in Afghanistan 105
3.5.1 Pre-Modern Administration: Tribal Norms and Islamic Authority 105
3.5.2 Constitutional Modernisation 108
3.5.3 Administrative Law During Constitutional Monarchy 109
3.5.4 Administrative Law in Afghanistan During Communism 110
3.5.5 Afghan Legal System Under the First Taliban Rule 113
3.5.6 Post-2001 Rebuilding and Administrative Reform 114
3.5.7 International Initiatives to Address Administrative Corruption in Afghanistan 115

3.5.7.1 Preventive Measures against Administrative Corruption 115
3.5.7.2 Policy Coordination and Enacting Successful Laws 115
3.5.7.3 Preventive Measures against Corruption in the Public Sector 116
3.5.7.4 Observing the tax Administration and Procurement Departments 116
3.5.7.5 Public Access to Information 116
3.5.7.6 Adopting Necessary Measures in the Justice Sector 117
3.5.7.7 Preventing Corruption in the Private Sector 117
3.5.7.8 Society Participation in Combating Corruption 118
3.5.7.9 Measures to Prevent Money Laundering 118
3.5.7.10 Good Governance and Anti-Corruption Initiatives 118
3.5.8 National Initiatives to Address Administrative Corruption in Afghanistan 124
3.5.8.1 Enacting Anti-Corruption Laws 124
3.5.8.2 Combating Bribery and Administrative Corruption Act 124
3.5.8.3 Covenant Against Administrative Corruption 126
3.5.8.4 Law on Supervision of the Implementation of the Anti-Corruption Strategy 126
3.5.8.5 Penal Code 126
3.5.8.6 Protection of Whistleblowers of Administrative Corruption Crimes Act 127
3.5.8.7 Anti-Corruption Act 2018 127
3.5.9 Establishing Dedicated Divisions to Combat Administrative Corruption 128
3.5.9.1 Independent Anti-Bribery and Corruption Bureau 128
3.5.9.2 The High Office of Oversight and Anti-corruption 128
3.5.9.3 Anti-Corruption Criminal Justice Centre 129
3.5.9.4 Supreme Council for the Rule of Law 129
3.5.9.5 Special Anti-Corruption Secretariat 130
3.5.9.6 Anti-Corruption Commission 130
3.5.10 Post-2021 Taliban Administration 130
3.5.11 How anti-Corruption Efforts were Undermined in Afghanistan 133

3.5.11.1 Absence of a Zero Tolerance Culture Towards Corruption 134
3.5.11.2 Lack of Political Will 136
3.5.11.3 A Lack of Overlap in Anti-Corruption Strategies 137
3.5.11.4 Impunity in Judiciary 138
3.5.11.5 Foreign Backed Strategies 138
3.5.11.6 Nepotism and Warlords Interventions 139
3.5.11.7 Ambiguous Anti-Corruption Laws 140
3.5.11.8 Impaired Anti-Corruption Entities 141
3.5.11.9 Institutional Multiplicity 143
3.5.11.10 Implementation Failures at the Stage of Execution 145
3.5.11.11 The Clan Structure 148
3.6 The Importance of Examining the Historical Development of Administrative Law in Combating Administrative Corruption 149
3.7 Conclusion 150

CHAPTER 4: LEGAL PRINCIPLES 152
4.1 Introduction 152
4.2 Core Legal Principles in Afghanistan 152
4.2.1 Principle of Legality 154
4.2.2 The Principle of Rule of law 155
4.2.3 Constitutional Rights 156
4.2.4 Principle of Legitimate Expectations 157
4.2.5 Principle of Reasonableness 158
4.2.6 Principle of Time Limits 159
4.2.7 Principle of Transparency 160
4.2.8 Principle of Neutrality 161
4.2.9 Principle of Equality 163
4.2.10 Principle of Accountability 164
4.2.11 Principle of Meritocracy 166
4.2.12 Principle of Proportionality 168
4.2.13 Principles of Natural Justice 168
4.2.14 Principle of Separation of Power in Afghanistan 169

4.2.15 Afghanistan Administrative Divisions 170
4.3 General principles in Afghanistan 173
4.3.1 The Government Principles 176
4.3.2 The Afghanistan Government Framework and Structure 179
4.4 Linking Legal Principles to Theoretical Insights 182
4.5 Conclusion 183

CHAPTER 5: ANALYSIS OF ANTI-CORRUPTION FRAMEWORKS: INSIGHTS FROM NEW ZEALAND AND SINGAPORE FOR AFGHANISTAN 185
5.1 Introduction 185
5.2 Rationale for Selecting New Zealand and Singapore 186
5.3 New Zealand's Anti-Corruption Framework 187
5.3.1 Legislation 189
5.3.2 Enforcement Agencies 190
5.3.3 International Cooperation 192
5.4 Singapore's Anti-Corruption Framework 198
5.4.1 Legislation 199
5.4.2 Adjudication 200
5.4.3 Enforcement 201
5.4.4 Public Administration 201
5.4.4.1 Broad Interpretation of Singapore's Anti-Corruption Framework 202
5.5 Comparative Analysis of Anti-Corruption Frameworks in New Zealand and Singapore 205
5.6 Thematic Findings 219
5.6.1 Clear Statutory Framework 219
5.6.2 Independent Oversight Bodies 220
5.6.3 Transparency and Citizen Access to Information 220
5.6.4 Meritocracy and professionalisation 220
5.6.5 Predictable Enforcement 221
5.6.6 Ethical Norms and Governance Culture 221
5.6.7 Combining Legal, Behavioural and Management Approaches 221

5.7 Lesson for Afghanistan 222
5.8 Conclusion 222

CHAPTER 6: RECOMMENDATIONS AND CONCLUSION 224
6.1 Introduction 224
6.2 Anti-Corruption Framework for Afghanistan 225
6.2.1 Building Political Will 225
6.2.1.1 Creating Demand for Anti-Corruption Efforts Among Political Elites 226
6.2.1.2 Building Trust Between Afghan Civil Society and State Actors 227
6.2.1.3 Making Critical Cooperation 228
6.2.1.4 Making Use of Legal Reforms 229
6.2.1.5 Creating Demand for Anti-Corruption Reforms Among Afghan Citizens and Civil Society 229
6.2.1.6 Evaluating Political Will 231
6.2.1.7 Theoretical Link 233
6.2.2 Consolidating the Anti-Corruption Laws 233
6.2.2.1 Drafting the Consolidated Text of Anti-Corruption Law 234
6.2.2.2 Sectionalisation of Anti-Corruption Law 235
6.2.2.3 Revisions to the Selection of Public Servants and Politicians 236
6.2.2.4 Theoretical Link 237
6.2.3 Consolidating Anti-Corruption Agencies 237
6.2.3.1 Define Explicit Roles and Responsibilities 238
6.2.3.2 Independence and Accountability 239
6.2.3.3 Fostering Ethical Leadership 241
6.2.3.4 Theoretical Link 241
6.2.4 Standardizing Public Administration 242
6.2.4.1 Integrity 243
6.2.4.2 Selflessness 243
6.2.4.3 Objectivity 244

6.2.4.4 Accountability 245
6.2.4.5 Openness 245
6.2.4.6 Honesty 246
6.2.4.7 Leadership 246
6.2.4.8 Theoretical Link: 246
6.3 Future Research 248
6.4 Concluding Remarks 248

REFERENCES **250**
AUTHOR'S PROFILE **287**

LIST OF TABLES

Tables	Title	Page
Table 1.1	The Afghanistan Transparency Report 2012- 2024	17
Table 2.1	Thematic Analysis Table	98
Table 4.1	Local Institutions within the District in Afghanistan	172
Table 5.1	Singapore and New Zealand Rank Among the Top 10 Countries in the 2024 CPI for Reducing Administrative Corruption	218
Table 6.1	Anti-Corruption Framework for Afghanistan	247

LIST OF FIGURES

Figures	Title	Page
Figure 1.1	The Position of Administrative Law in the Division of Law	8
Figure 1.2	Political Map of Afghanistan	11
Figure 2.1	Rent Seeking	76
Figure 2.2	The Three Fundamental Components of Fraud Triangle Theory	86
Figure 5.1	Singapore's Combating Corruption Framework	205

LIST OF ABBREVIATIONS

Abbreviations

AACA	Anti-Administrative Corruption Agency
ACC	Anti-Corruption Commission
ACJC	Anti-Corruption Criminal Justice Centre
ACTWG	Anti-Corruption and Transparency Experts Working Group
ADB	Asian Development Bank
ALS	Administrative Legal Systems
ANDS	Afghanistan National Development Strategy
ANPDF	Afghanistan National Peace and Development Framework
ANSCC	Afghanistan National Strategy for Combating Administrative Corruption
APEC	Asia-Pacific Economic Cooperation
APPF	Afghan Public Protection Force
CNB	Central Narcotics Bureau
CPI	Corruption Percentage Index
CPIB	Corrupt Practices Investigation Bureau
ECAN	Economic Crime Agencies Network
EUPOL	European Union Police Mission
FBI	Federal Bureau of Investigation
FCPA	Foreign Corrupt Practices Act
GDP	Gross National Product
GPAL	General Principles of Administrative Law
HOOAC	High Office of Oversight and Anti-corruption
IAACA	International Association of Anti-Corruption Authorities
IACCC	International Anti-Corruption Coordination Centre
IARCSC	Independent Administrative Reform and Civil Service Commission
ICC	Interstate Commerce Commission
IDL	Independent Directorate of Local Governance

IFBT	International Foreign Bribery Taskforce
ISAF	International Security Assistance Force
ISD	Internal Security Department
MOI	Ministry of Interior Affairs
MPVPV	The Ministry for the Propagation of Virtue and the Prevention of Vice
NADAP	National Anti-Drug Action Plan
NATO	North Atlantic Treaty Organization
NUG	National Unity Government
OEEC	Organization for European Economic Co-operation
PAP	People's Action Party
PERC	Political & Economic Risk Consultancy Limited
PMO	Prime Minister's Office
PPDA	People's Democratic Party of Afghanistan
RSM	Resolute Support Mission
SAO	Supreme Audit Office
SFO	Serious Fraud Office
SIGAR	Special Inspector General for Afghanistan Reconstruction
SSR	Security Sector Reform
UNAMA	United Nations Assistance Mission in Afghanistan
UNCAC	The United Nations Convention Against Corruption
UNDOTC	United Nations Draft on Transnational Corporations
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organised Crime

CHAPTER 1
INTRODUCTION

1.1 Introduction

The first part of the chapter provides the structure of this research, detailing the main aspects, including the background of the research and the issues being studied in the fight against administrative corruption in Afghanistan. This section outlines the current structure of the research, highlighting the key components and analysing the existing laws designed to combat administrative corruption, as well as the regulations that monitor these anti-corruption laws in Afghanistan. The structure of this research commences with a background of study that will explain the corruption aspects globally, administrative corruption in Afghanistan, the common causes of corruption, and the role of the Constitution 2004 in fighting administrative corruption during the past two decades. This research will then discuss the problem statement, which will explain how administrative corruption weakened life quality during the period of power transition in Afghanistan. This will include an analysis of key factors that contributed to the deterioration of public services and governance. Additionally, this portion of the chapter will explore the long-term implications of administrative corruption on societal trust and economic stability in the country.

Furthermore, this chapter will outline the research question and research objectives, followed by research methodology involving the research design and approach adopted in directing this research, data collection, data management, data analysis, and data quality. The subsequent discussion in this chapter will focus on the scope of the study, aiming to define the jurisdiction of the research and to highlight the constraints inherent in the chosen research design and methodology. The significance of the study illustrates the importance, value, potential impact, and driving force behind current research. Finally, the outline of the research structure, along with a synopsis of all the chapters, provides a roadmap for organising and structuring this research, culminating in a conclusion that serves as the final section of this chapter.

1.2 Research Background

Corruption refers to the unethical or fraudulent behaviour exhibited by individuals in positions of authority, sometimes encompassing bribery, embezzlement, or the exploitation of power for personal advantage. Corruption Perceptions indicator (CPI), which is an annual indicator compiled since 1995, defines corruption as the abuse of entrusted power for personal gain in family relations and interests.[1] When the term "corruption" is mentioned, the initial image that comes to mind is typically an economic phenomenon. However, its implications extend beyond just business and economics; it also encompasses power within political and social contexts. The abuse of entrusted power is a defining characteristic of corruption.[2] Corruption takes various forms, including bribery,[3] embezzlement, influence-peddling, graft, and extortion, and can manifest in many different contexts.[4] Administrative corruption, which is a type of corruption, is considered a major problem that has undermined the Afghan government programmes and has caused numerous challenges to Afghans' daily lives.[5] However, corruption differs in its form and scope, and how each society and culture decides to combat it. Based on corruption's clandestine nature, it erodes public trust, hinders economic development, and weakens democratic institutions.[6] It is often difficult to quantify, but in those countries where officials have excessive influence over policymaking and economic management decisions, the chance for administrative corruption is widespread.

The common causes of administrative corruption are a high level of income inequality, lack of transparency, and conflicts between the transition of power from one regime to another (e.g., the Islamic Republic regime in Afghanistan took power in 2003 and ended on August 15, 2021),[7] weak law enforcement methods, insecurity, and

---

1 Philp, M. (2016). Corruption definition and measurement. In *Measuring corruption* (pp. 45-56). Routledge.

2 Farrales, M. J. (2005). What is corruption?: A history of corruption studies and the great definitions debate. *A History of Corruption Studies and the Great Definitions Debate (June 2005)*.

3 Eliasberg, W. (1951). Corruption and bribery. *J. Crim. L. Criminology & Police Sci., 42*, 317.

4 Morris, S. D. (2011). Forms of corruption. *CESifo DICE Report, 9*(2), 10-14.

5 Yusufzada, S., Xia, Z., & Xia, Z. (2019). Public administration in Afghanistan: challenges and way forward. *Open Journal of Social Sciences, 7*(06), 142.

6 Trautman, L. J., & Kimbell, J. (2018). Bribery and corruption: The COSO framework, FCPA, and UK bribery act. *Fla. J. Int'l L., 30*, 191.

7 Murtazashvili, J. B. (2022). The collapse of Afghanistan. *Journal of democracy, 33*(1), 40-54.

weakness in the rule of law.[8] These factors undermine the legal system's functions and increase administrative corruption. The Afghan Anti-Administrative Corruption Strategy has been adopted based on provisions in Article 7, Paragraph 3 of Article 75, and Article 142 of the 2004 Constitution obligates the Afghan government to combat administrative corruption.[9] Based on the constitution of Afghanistan, fighting against corruption is the government's duty (maintenance of public law and order and elimination of administrative corruption).[10]

The United Nations Convention Against Corruption (UNCAC) is a significant legally binding instrument that was ratified by the Afghan government in 2008. Based on the provisions of UNCAC, signatories are obligated to implement its orders in their territories, and Article 7 of the Afghanistan constitution denotes that the government ought to follow the international agreements and treaties in its functions.

> *The state shall observe the United Nations Charter, interstate agreements, as well as international treaties to which Afghanistan has joined, and the Universal Declaration of Human Rights. The state shall prevent all kinds of terrorist activities, cultivation and smuggling of narcotics, and production and use of intoxicants.*[11]

The article establishes that the state is obligated to adhere to the United Nations Charter, existing interstate agreements, all international treaties to which Afghanistan is a party, and the principles of the Universal Declaration of Human Rights. It underscores a formal commitment to international law and global human rights norms, signalling an intention to align domestic governance with widely recognised standards. Additionally, the article mandates that the state actively prevent terrorism, the cultivation and trafficking of narcotics, and the production and use of intoxicants. These provisions reflect both international expectations and domestic priorities, emphasising security, counter-terrorism efforts, and drug control. While the article presents strong aspirational commitments, its effectiveness ultimately depends on the government's

---

8 Myrdal, G. (2024). Corruption: Its causes and effects. In *Political Corruption* (pp. 953-961). Routledge.

9 Singh, D. (2016). Anti-corruption strategies in Afghanistan: An alternative approach. *Journal of Developing Societies, 32*(1), 44-72.

10 *The Constitution of the Islamic Republic of Afghanistan 2004,* Par 3, Art. 75.

11 *The Constitution of the Islamic Republic of Afghanistan 2004,* Art. 7.

capacity to enforce these obligations and reconcile them with internal legal, cultural, and political realities.

Furthermore, at the international conference held in Paris on June 16, 2008, which brought together participants from sixty-five countries and about twenty international organisations and institutions, the Afghan delegation promised the conference that it would fight decisively against administrative corruption and and according to the provisions in Article 142 of Constitution 2004. established the Supreme Directorate for Supervision of the Implementation of the Anti-Corruption Strategy and enacted the Anti-Administrative Corruption Strategy to monitor the implementation of government officials and the procedure of administrative reform within all offices to combat and prevent administrative corruption effectively. [12] Hence, the Afghanistan Anti-Administrative Corruption Act 2018 declares that the purpose of this law is to monitor and audit the implementation of government officials and employees.

> *To implement the provisions as well as attain the values enshrined in this Constitution, the state shall establish necessary offices.*[13]

There is a perception that administrative corruption is widespread in Afghanistan[14] despite enacting anti-corruption laws and establishing anti-corruption bodies in Afghanistan due to internal factors, such as electoral fraud (e.g., the first transition of power from President Hamid Karzai to his successor, who was accused of electoral fraud during the 2014 presidential election)[15] patronage, clientelism and bribery. Also, externals factors such as, neighbour countries intervention, and strategic location.[16] However, there are anti-corruption laws for the government to enforce, but the rule of law is undermined due to the internal factors.

In addition, political misuse by leaders and officials as internal factors,

---

12 Singh, D. (2016). Anti-corruption strategies in Afghanistan: An alternative approach. *Journal of Developing Societies, 32*(1), 44-72.

13 *The Constitution of the Islamic Republic of Afghanistan 2004,* Art. 142.

14 Sopko, J. F. (2017). Rebuilding Afghanistan: A Fight Against Corruption. *NYUJ Int'l L. & Pol., 50*, 1237.

15 Johnson, T. H. (2018). The myth of Afghan electoral democracy: the irregularities of the 2014 presidential election. *Small Wars & Insurgencies, 29*(5-6), 1006-1039.

16 Payind, A. (1996). Afghanistan's relations with its neighbours. *Critique: Critical Middle Eastern Studies*, *5*(8), 61-70. https://doi.org/10.1080/10669929608720082.

combined with foreign interference as external factors, has contributed to a rise in administrative corruption over the past twenty years in the country.[17] During the same period, drug trafficking and illicit trade have increased among warlords, further worsening the conflict in Afghanistan.[18] The warlords had excessive power to control the borders for drug trafficking and support the interested candidates during the elections. Alongside the warlords, criminal groups used violence and corruption to retain their groups, taking advantage of legal and institutional weakness to maintain themselves.[19]

In June 2020, the Special Inspector General for Afghanistan Reconstruction (SIGAR) cautioned that corruption posed a stealthy threat to the Afghan government at that time.[20] SIGAR argued that the gap between the people and the government had widened due to corruption, creating a situation where Afghans had to bribe officials to get the most basic public services.[21] Similarly, organised criminal groups used the funds that they gained control of in some provinces to enforce their governing mandate through illegitimate and illegal means, mostly through various forms of corruption.[22] However, there is the constitution as the nation's charter; the anti-administrative corruption laws; the implementation of these laws has been undermined based on the reasons mentioned. This section of the research aims to discuss administrative law, which is the central focus of this study, alongside administrative corruption in Afghanistan and the rule of law within the country, in order to examine the situation of administrative corruption in Afghanistan.

1.2.1 Administrative Law

"Administrative", as a rendering in English of the French "Le droit

---

17 Rose-Ackerman, S. (2008). Corruption and post-conflict peace-building. *Ohio NUL Rev., 34*, 405.

18 Malejacq, R. (2016). Warlords, intervention, and state consolidation: A typology of political orders in weak and failed states. *Security Studies, 25*(1), 85-110.

19 Buddenberg, D., & Byrd, W. (2016). Drug-trafficking and the development of organized crime in post-Taliban Afghanistan. UNODC. *The World Bank*, *15*(2-3), 241-259. https://doi.org/10.1007/s12117-012-9150-8.

20 Sullivan, P. (2023). AUDITING FAILURE: The Special Inspector General for Afghanistan Reconstruction, 2012-2021.

21 Azizi, W, & Diplomat, T. (2022). How Corruption Played a Role in the Demise of the Afghan Government. Retrieved 17 January 2022, from https://thediplomat.com/2021/10/how-corruption-played-a-role-in-the-demise-of-the-afghan-government/

22 Bewley-Taylor, D. (2013). Drug trafficking and organised crime in Afghanistan: Corruption, insecurity and the challenges of transition. *The RUSI Journal, 158*(6), 6-17.

administrative", is an alien yet imperfectly naturalised term in other languages.[23] It describes something relating to administration, such as administrative responsibilities or a position within the administration.[24] Administrative law is the branch of law that governs the administration and regulation of government agencies. However, law is an obligatory custom or practice of a community: a set of guidelines for behaviour or action that are formally accepted as obligatory or enforced by a governing body.[25] And in the most fundamental sense, law is a collection of rules and regulations enacted by a state or other authority and enforced by courts and other state-authorised authorities.[26] Nevertheless, according to provisions in Article 94 of the Afghanistan Constitution 2004, law is the resolution of both houses of parliament that is endorsed by the president. "Law shall be what both houses of the National Assembly approve, and the President endorses, unless this Constitution states otherwise."[27] The combination of these two phenomena would be administrative law, which is a branch of law under the public law division. It is defined as a set of rules and legislation that govern the actions of public authorities, ensuring that they act legitimately, reasonably, and fairly in their public lives.[28]

Moreover, executive branch functions, policymaking, adjudication, and the implementation of laws fall under the administrative law domain. Administrative law determines how executive branch agencies are formed, as well as the rules, policies, procedures, and regulations under which the agency operates.[29] Administrative laws are created to protect the public's interests regarding those agencies.[30] Administrative law, also known as regulatory law or administrative regulations, is the combination of laws that regulate the functioning of the government's institutions. Administrative laws determine how governmental agencies are established as well as the rules under which they function. The main objective of administrative law is to protect the public's

---

23 Corry, J. A. (1935). Administrative Law and the Interpretation of Statutes. *U. Toronto LJ, 1*, 286.

24 Wolf, L. (2017). In search of a definition for administrative action. *South African Journal on Human Rights, 33*(2), 314-334.

25 Kantorowicz, H. (2014). *The definition of law*. Cambridge University Press.

26 Macagno, F. (2010). Definitions in law. *Bulletin suisse de linguistique appliquée, 2*, 199-217.

27 Kamali, M. H. (2009). Afghanistan's Constitution 2004: An Islamic Perspective on Interpretation. *Washington, DC: United States Institute of Peace, 5*.

28 Rosenbloom, D. H. (2018). Administrative law and regulation. In *Handbook of public administration* (pp. 635-696). Routledge.

29 Hildebrandt, M. (2019). 3. Domains of Law: Private, Public, and Criminal Law. *Law for Computer Scientists*.

30 Endicott, T. (2021). *Administrative law*. Oxford University Press.

interests.[31] Administrative law originated in the legislative branch of government and includes some of the most notable administrative institutions, such as the Ministries of Defence and the Departments of Justice.[32]

Furthermore, according to Cary Coglianese, administrative law contains the procedures and oversight practices that govern the behaviour of government officials, ensuring transparency and public participation.[33] This is particularly important for the fulfilment of democratic principles and effective governance. However, from the perspective of civil law systems, administrative law is regarded as a body of principles and rules regulating the organisation of public institutions, their means, and ways of proceeding, with a different content of those rules that regulate relations between private subjects.[34] This has been stated essentially based on the particularity of the legally protected interest, the general interest, which allows for public institutions to employ public powers and prerogatives.[35] Administrative law is a branch of administrative substantive law and administrative procedure law. The above two aspects cover legal rights and obligations. Individuals should accept legal consequences if they violate procedural obligations.[36] The structural representation of an administrative procedure is represented by step and manner, whilst order and period describe its chronological representation in terms of its core components.[37] In light of all this, administrative law is a subset of public law that encompasses regulations governing public administration, citizen rights and obligations, and the authority of administrative bodies. The division of law is illustrated in the table below

---

31 Herlitz, N. (1953). Swedish Administrative Law. *International & Comparative Law Quarterly, 2*(2), 224-237.

32 Hildebrandt, M. (2019). 3. Domains of Law: Private, Public, and Criminal Law. *Law for Computer Scientists*.

33 Coglianese, C. (2015). Administrative law: the US and Beyond. *International Encyclopedia of Social & Behavioral Sciences (James D. Wright ed., 2d ed. 2015)., U of Penn Law School, Public Law Research Paper*(16-20).

34 Commons, J. R. (2024). Law and economics. In *Law and Economics Vol 1* (pp. 432-444). Routledge.

35 Ferrada Bórquez, J. C. (2007). Las potestades y privilegios de la Administración Pública en el régimen administrativo chileno. *Revista de derecho (Valdivia), 20*(2), 69-94.

36 Schramm, M. (2024). Platform Administrative Law A Research Agenda. *Available at SSRN 4898542*.

37 Hayes, R. B., Dosemeci, M., Wacholder, S., Travis, L. B., Rothman, N., Hoover, R. N., Linet, M. S., Yin, S.-N., Li, G.-L., & Li, C.-Y. (1997). Benzene and the dose-related incidence of hematologic neoplasms in China. *Journal of the National Cancer Institute, 89*(14), 1065-1071.

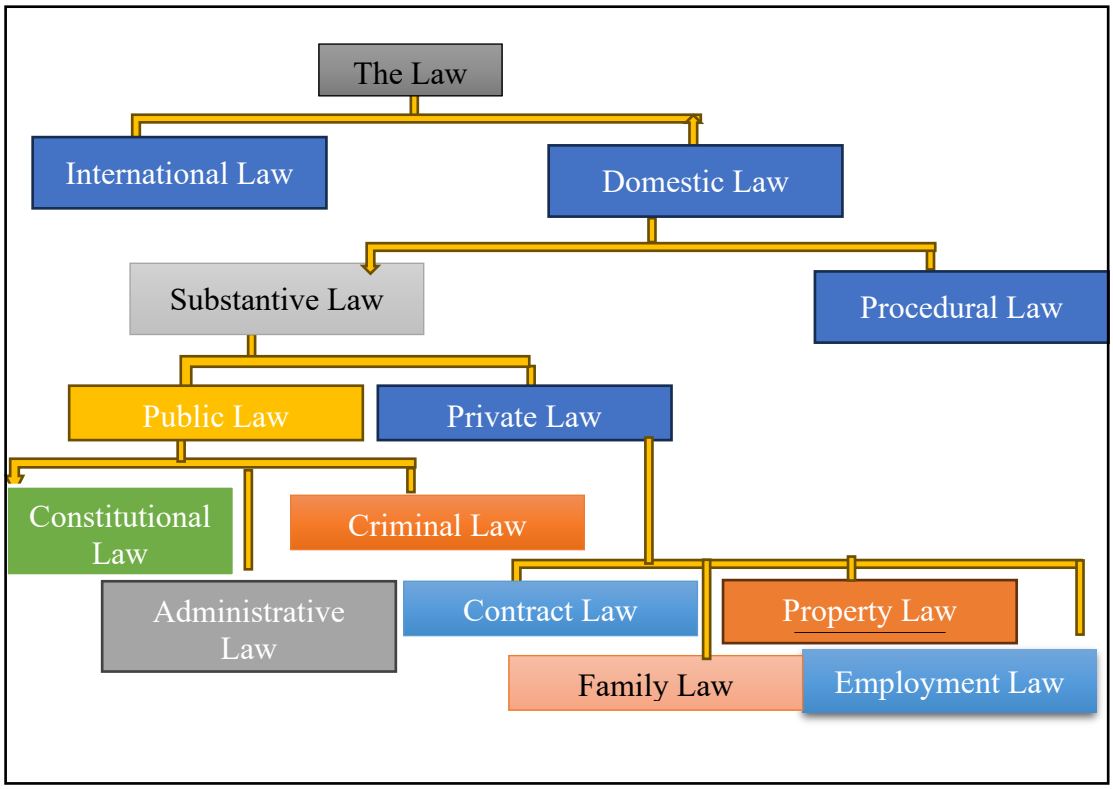


Figure 1.1 The Position of Administrative Law in the Division of Law

Figure 1.1 illustrates how law is divided and the role of administrative law in relation to other branches of law. It denotes that administrative law is under the substantive law as a branch of public law, along with constitutional law and criminal law.[38]

1.2.1.1 Administrative Corruption in Afghanistan

Administrative corruption in Afghanistan is a complicated issue with adverse consequences.[39] Generally, the public is aware of this and agrees that corruption is like cancer, which roots itself in the foundations of a social system and ruins it if it receives a booster. It is argued that corruption has exposed damage to society, and history is still plagued by bitter experiences of its negative impacts on society. Sometimes in the form of state indebtedness, other times in the form of creating a mistrustful environment

---

[38] Pollock, F. (1894). Divisions of Law. *Harv. L. Rev., 8*, 187.

[39] Meng, C., Ghafoori, N., & Yolchi, J. (2025b). Foreign intervention, executive corruption, and economic growth in Afghanistan. *Contemporary South Asia*, 1-18.

between the people and the government.[40] Likewise, sometimes corruption appears in the form of foreign investment and results in poverty.[41] However, the issue and misconception occur because there is no standard, scientific definition in a specialised form that would put corruption in its proper context and encompass all of its features. Since corruption is a social phenomenon that arises in a social environment, and, depending on the circumstances of those same social conditions, has a social consequence. Considering the conditions of the same environment and given the same definition, as the scope of this social environment expands, the dimensions of the definition of corruption expand with it. These diverse and changing situations lead to the fact that there is no single and unified theory about the nature of corruption.[42] During the American-backed regime in Afghanistan, the Afghan government was one of the most corrupt nations in the world according to the CPI,[43] even as donors continued to funnel billions of dollars into the country as they fulfilled their commitments to help rebuild Afghanistan after years of devastating war.[44] Inversely, Afghanistan dropped to near the bottom internationally due to the seriousness of its corruption.[45]

Moreover, the role of the enormous opium trade is considered one of the predominant and oldest sources of corruption in the country. This pervasive issue not only undermines governmental authority but also exacerbates social inequalities and fuels violence. As a result, efforts to combat this trade often face significant challenges, making it difficult to establish a stable and just society.[46] As the political system developed, the risk of political corruption increased.[47] Nevertheless, corruption, in any form, has multifaceted and severe negative impacts on Afghans' lives. Likewise, corruption has cost the Afghan government financially due to the time devoted to

---

40 Šumah, Š. (2018). Corruption, causes and consequences. In *Trade and global market*. IntechOpen.

41 Yousuf, Z. M., Sharifullah, A., & Shahidullah, S. (2022). A Comparative Study of Administrative Corruption Identification in Islamic Sharia, International Documents and Afghanistan's Legislative Documents. *Integrated Journal for Research in Arts and Humanities, 2*(5), 58-61.

42 *Ibid*.

43 International, T. (2021). The ABCs of the CPI: How the corruption perceptions index is calculated. *Transparency International Org*.

44 Fields, A. (2015). A Few Reflections and Lessons Learned: Afghanistan Reconstruction and Public Accountability. *RUMLAE Research Paper*(16-03).

45 Ibrahimi, S. Y. (2023). State fragility trap and conflict in Afghanistan (2001-2021). In *Handbook of Fragile States* (pp. 285-298). Edward Elgar Publishing.

46 Schievels, J. (2018). Drugs and development in Afghanistan. *A Journal for Undergraduate Research in the Netherlands Volume 2, number 1 June 2018, 2*(1), 42-52.

47 *Ibid*.

corrupt practices, particularly in the security sector, and has cost human lives during the past two decades. Although in Afghanistan, several important building blocks against corruption have been put in place, the result has been depressing over the last twenty years.[48] The SIGAR report illustrated that one of the reasons for the failure of Western efforts to build modern police and military forces and control corruption was reallocating the reconstitution budget to Iraq.[49] This reflects similar patterns of reducing the humanitarian budgets of the United Nations High Commissioner for Refugees (UNHCR) in many countries due to reallocating the UN budget to Ukraine as "emergency budgeting" since the war started in Ukraine in 2023.[50]

1.2.1.2 Rule of Law in Afghanistan

Afghanistan's rule of law has generally been fragile.[51] The government's role as an administrative structure and the maintainer of social order has historically been restrained under the prior administrations. This especially pertains to rural Afghanistan, where 74% of the population lives.[52] In some eastern provinces, particularly in their districts (e.g., Kunar, Laghman, Nuristan, and Nangarhar) and southern provinces (e.g., Nimruz, Helmand, Kandahar, Zabol, and Urozgan), state institutions have no or merely a nominal existence.

---

48 Bisogno, E. (2010). *Corruption in Afghanistan: Bribery as reported by the victims*. DIANE Publishing.

49 Vittori, J. (2021). Corruption and Self-Dealing in Afghanistan and Other US-Backed Security Sectors.

50 Markuts, Y., & Roberto, F. (2025). Emergency budgeting for resilience during the war. The case of Ukraine. *Public Money & Management, 45*(3), 195-205.

51 Sopko, J. (2016). Remarks prepared for delivery by Special Inspector General John F. *Sopko on the release of SIGAR's first lessons learned report,„Corruption in conflict: Lessons from the US experience in Afghanistan*.

52 Hakimi, M. J. (2021). The Judiciary and the Rule of Law in Afghanistan. *Judicature, 105*, 24.

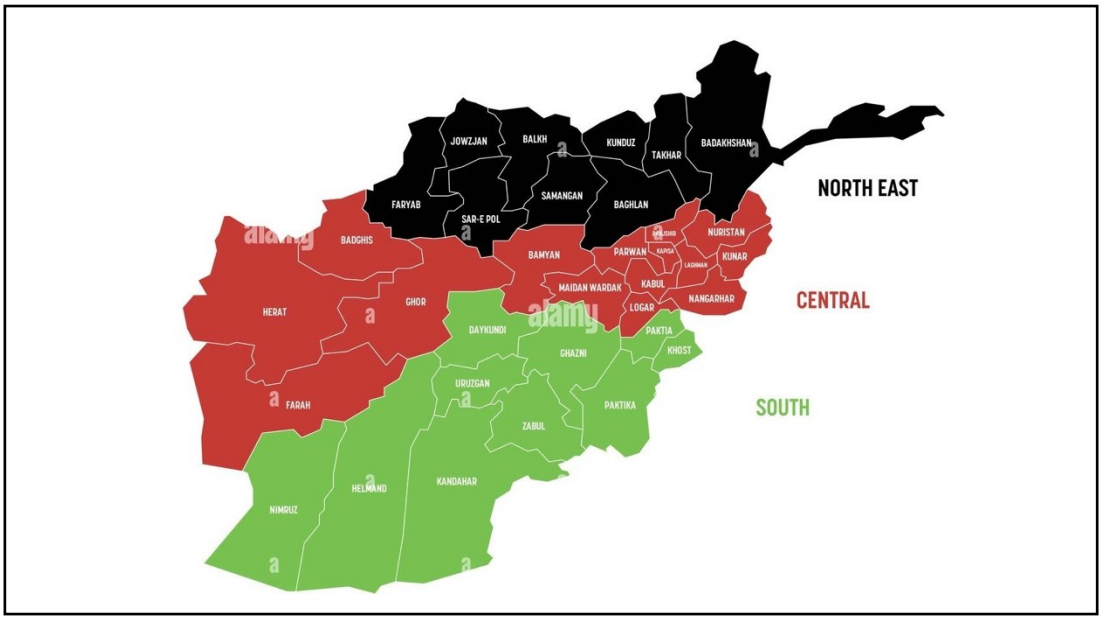


Figure 1.2 Political Map of Afghanistan

Numerous initiatives have been taken to strengthen the rule of law in Afghanistan, including the Bonn Agreement of 2001 initiated a process centred on political institutions and procedures, taking into consideration the vulnerability of the previous Afghan state, which emphasised the reform of Afghanistan's justice system,[53] as stated, "with the assistance of the United Nations, a judicial commission should be established to rebuild the domestic justice system based on Islamic principles, international standards, the rule of law, and Afghan legal traditions."[54] The second effort to strengthen the rule of law in Afghanistan is the London Conference on Afghanistan, known as the Afghanistan Compact, signed in early 2006. It followed up on that effort by signalling an agreement between the Afghan government and the international community. This conference was determined to strengthen the Afghan government's partnership with the international community to improve the lives of Afghan people and to contribute to national, regional, and international peace and security. This conference also determined that good governance and the protection of human rights form the cornerstones of sustainable political progress in Afghanistan. In return, the Afghan government has committed to rapidly expanding its capacity to provide fundamental services to the population and recruit competent professionals to public

---

53 Agreement, B. (2001). Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions. *United Nations*.

54 Afsah, E., & Guhr, A. H. (2005). Afghanistan: Building a State to Keep the Peace. *Max Planck Yearbook of United Nations Law Online, 9*(1), 373-456.

service according to merit.[55]

Moreover, the Afghan government committed to establishing a more effective, transparent administration at all levels of administration, carrying out measurable enhancements in combating administrative corruption, supporting justice and the rule of law, and expanding respect for the human rights of all Afghans.[56] One of the fundamental principles of this conference was to promote a pluralistic culture in Afghanistan (to respect the pluralistic cultural values and history of Afghanistan),[57] while the cultural pluralism affected society negatively, such as cultural tensions and conflicts arising from differences in values, beliefs, and practices.

Furthermore, Resolution 1746 was adopted by the United Nations Security Council on March 23, 2007, and addressed the situation in Afghanistan.[58] The United Nations Assistance Mission in Afghanistan (UNAMA) and the government of Italy co-hosted the conference of the "Rule of Law in Afghanistan" held in Rome on July 2 and 3, 2007, which reaffirmed the crucial importance of legal reform, the implementation of the Rule of Law, and the significance of justice for the reconstruction of Afghanistan.[59] Consequently, the legal rule of law discourse and analyses have been primarily centred on the overall scope of Afghanistan's justice system reform. Therefore, discussions on the rule of law in Afghanistan tended to centre on initiatives addressing pragmatic problems like the development of protocols and the bolstering of the judiciary as required.[60] Overall, the assessment of the situation appeared to be depressing.[61] According to some observers, Afghanistan's legal system has not gotten any better since the Taliban regime's initial fall in December 2001. Many contend that true freedom and immunity from corruption, essential for reinforcing the rule of law, remain elusive in a country that has consistently ranked within the second or third highest percentile for corruption, as reported by the World Bank

---

55 Compact, A. (2006). The Afghanistan compact. Building on Success: The London Conference on Afghanistan, January,

56 *Ibid*.

57 Coordination, J., & Board, M. (2006). Implementation of the Afghanistan Compact. *Bi-Annual Joint Coordination and Monitoring Board (JCMB) Report. November. http://www. a-acc. org/docs/JCMBBi-Annual ReportNov2006English. pdf*.

58 Ravanstan, A., Shafie, N., Deheshyar, H., & Haji Mine, R. (2022). The United Nations' activity to settle the crisis in Afghanistan (1947-2021). *The Fundamental and Applied Studies of the Islamic World, 4*(3), 77-103.

59 Elliesie, H. (2010). Rule of law in Afghanistan.

60 Lau, M. (2003). Islamic law and the Afghan legal system.

61 Barnett, L. (2007). *Afghanistan: The Rule of Law*. Library of Parliament, Parliamentary Information and Research Service.

Institute.[62] Consequently, it appears that holding several international conferences and potentially ratifying international resolutions has not eliminated the undermining causes of the rule of law. Hence, it requires being scrutinised and providing proper combating approaches based on Afghanistan's legal and cultural environment.

1.3 Problem Statement

Developing countries may face numerous instances of corruption, which impairs service delivery and impacts citizens' quality of life.[63] It poses several barriers to the reform path.[64] This is especially evident in countries where politicians and traditional leaders have substantial influence over government and policymaking.[65] According to the provisions of the Constitution, the government of Afghanistan is comprised of three branches: legislative, executive, and judicial, which illustrates the principle of separation of powers.[66]

Moreover, in addition to the constitutional provisions that ensure the government operates effectively and protects citizens' rights, each branch has its powers and responsibilities. The principle of government in a democratic country lies in the collaboration between these branches. The problem arises when the rule of law is weak and certain groups influence the government's functions. Over the past two decades, Afghanistan has undergone an important period of transition of power, particularly after the presidential election in 2014, selecting a new administration (i.e., the formation of the National Unity Government (NUG) and beginning the withdrawal of international forces from the country in the same year).[67] Subsequent to that period, the level of insecurity has seen a marked rise, and the number of internally displaced

---

62 Wardak, A., Saba, D., & Kazem, H. (2007). Afghanistan Human Development Report: Bridging Modernity and Tradition: Rule of Law and the Search for Justice. *Kabul: Center for Policy and Human Development*.

63 Impact, I. C. f. A. (2024). *DFID's Approach to Anti-corruption and Its Impact on the Poor*. Independent Commission for Aid Impact.

64 Bozhenko, V., Boyko, A., & Voronenko, I. (2022). Corruption as an Obstacle of Sustainable Development. PRIZK International Conference-Novel Insights in the Leadership in Business and Economics After the COVID-19 Pandemic,

65 Spyromitros, E., & Panagiotidis, M. (2022). The impact of corruption on economic growth in developing countries and a comparative analysis of corruption measurement indicators. *Cogent Economics & Finance, 10*(1), 2129368.

66 Grote, R. (2004). Separation of Powers in the New Afghan Constitution. *Heidelberg Journal of International Law, 64*(1), 897-907.

67 Hamidi, S., & Zh, A. L. THE CONSEQUENCES OF WITHDRAWAL OF INTERNATIONAL FORCES FROM AFGHANISTAN (AFGHAN PEACE PROCESS). *Абылай хан атындағы ҚазХҚжӘТУ*, 55.

people has doubled. These issues undermined the effectiveness of the law and fuelled corruption, and the level of optimism about the overall direction of the country and confidence in the government fell to its lowest level in a decade.[68] Abuses of power by officials and warlords' interventions have influenced government enforcement throughout the last two decades, leading to administrative corruption in the public sector in Afghanistan.[69]

Furthermore, administrative corruption is rampant and has rooted itself throughout government departments, jeopardising the government's ability to maintain security and provide basic public services to citizens. It is increasingly embedded in social practices, with patronage politics and bribery becoming an acceptable part of daily lives.[70] However, NUG aimed to address corruption, and it had established various anti-corruption bodies. President Ashraf Ghani established the Independent Anti-Corruption Commission and prominently featured it in his administration alongside Chief Executive Abdullah.[71] The Ghani administration was working on drafting a new law, called "Inspector Law". Following the Inspector Law, President Ghani has established a specific anti-corruption department (called the Special Anti-Corruption Secretariat).[72]Based on item 20 of Article 64 of the Constitution of Afghanistan, the president can form new entities to ensure that the government's tasks are carried out effectively.

> *Establish commissions to improve the administration of the country in accordance with the provisions of the law.*[73]

The Special Anti-Corruption Secretariat has lacked a legal framework, which has prevented it from commencing investigations into allegations of corruption involving officials, particularly those in high-ranking government positions. The

---

68 Canefe, N. (2022). Afghanistan and its futures. *International Migration, 60*(1), 262-267.

69 Shenfeldt, A. (2016) Anti-Corruption Compliance of Development Assistance Donor Organisations: *The Case of Russia. SSRN Electronic Journal*.

70 The Afghanistan new government came into power in 2014 via presidential election and terminated in 2020.

71 Bateman, C. (2023). A Problem We Fueled: Learning Lessons from Corruption in Afghanistan. In *The Great Power Competition Volume 4: Lessons Learned in Afghanistan: America's Longest War* (pp. 15-35). Springer.

72 Network, A. A., & Bjelica, J. (2019). Afghanistan'Anti-Corruption Institutions: Too many, and with too few results.

73 *The Constitution of the Islamic Republic of Afghanistan 2004,* Art. 64.

agency was established by Ghani through a presidential decree. The presidential decree stipulates that a draft legal framework for the agency should be prepared within three months. One year from its establishment, Ghazal Haris assumed her position as the head of the secretariat. Nonetheless, two years after the agency's establishment, Ghazal Haris, the head of the agency, stated that it lacks a legal framework and has not conducted any investigations into significant allegations of corruption or sexual exploitation within government offices, particularly in the absence of a passed inspection law: "Only when legal procedures are followed can the secretariat effectively receive complaints from the public regarding high-ranking government officials".[74]

In addition, a series of surveys and studies conducted by the Civil-Military Fusion Centre (CFC) in Afghanistan at the request and suggestion of personnel and civilian and military organisations in Afghanistan demonstrated that corruption poses a significant challenge for the Afghan government.[75] The survey illustrated that there is an increase in the extent of corrupt behaviour in the country. In 2018, 55% of Afghans surveyed indicated that corruption was a major problem in their daily lives, up from 42% in 2017.[76] A portion of the approximately USD 60 billion in foreign aid provided to Afghanistan in the last two decades has been dedicated to strengthening governance and combating corruption.[77] The consequence shows how large aid flows to Afghanistan have inadvertently helped to fuel different types of corruption, such as patronage and clientelism. Substantial funds have been applied and spent quickly to establish sufficient anti-corruption measures, enhance transparency and accountability, and implement controls and safeguards.[78] International donors rushed to spend quickly to achieve the result in state-building and preventing corruption; conversely, it fuelled administrative corruption in the country.

Additionally, based on a survey conducted by the United Nations Office on

---

74 The inspection body does not yet have a legal basis. (2016). afghanpaper.com. Retrieved November 11, 2025, from https://www.afghanpaper.com/nbody.php?id=164305

75 Nijssen, S., Hall, M., Gonzalez, R., & Checchia, M. (2022). Corruption & Anti-Corruption Issues in Afghanistan. *Brussels: Civil-Military Fusion Centre*.

76 Zinni, A. C., Augier, M., & Barrett, S. F. (2022). Failure in Afghanistan: how it happened and what it means. *Journal of South Asian and Middle Eastern Studies, 45*(3), 30-50.

77 Bateman, C. (2023). A Problem We Fueled: Learning Lessons from Corruption in Afghanistan. In *The Great Power Competition Volume 4: Lessons Learned in Afghanistan: America's Longest War* (pp. 15-35). Springer.

78 Zyck, S. A., Basar, E., Nijssen, S., Hall, M., Gonzalez, R., & Checchia, M. (2012). Corruption & Anti-Corruption Issues in Afghanistan. *Brussels: Civil-Military Fusion Centre*.

Drugs and Crime (UNODC), traces of corruption can be found in various aspects of life in Afghanistan.[79] Respondents in this survey said that there are people nearby the government departments who are in contact with the employees inside the government departments, and they are known as "illegal intermediaries" who operate in front of government buildings; they approach people saying that they can solve any kind of issue in a short time, and they give the offer for their service. For instance, if people need a passport or driving licence or are paying taxes and customs duties, they can give you a final receipt which has been processed through all official channels in a matter of days, a process which usually takes weeks. Then they will usually take the money and share it with those who are sitting in offices." [80] Afghanistan scored 19 points out of 100 on the 2019 Corruption Perceptions Index, up from a score of 14 in 2015 based on the Transparency International report. The corruption perception index in Afghanistan has risen dramatically from an 8 score in 2012 to a 19 score out of 100 in 2019.[81]

It was argued that, despite numerous laws, such as the constitution and the implementation of the Anti-Administrative Corruption Strategies, the NUG has been listed at the top of the list of corrupt countries on CPI reports.[82]

Along with the assertion above, in 2024, Afghanistan dropped three spots from 2023 to rank 165th out of 180 countries in Transparency International's 2024 CPI. Afghanistan scored 17 out of 100 points for transparency in the TI report, which was initially released on February 11, 2024, highlighting the country's ongoing struggle with corruption.[83] Afghanistan obtained 20 points and was rated 162nd in 2023. The global rankings of TI evaluate governments according to their levels of corruption, transparency, and the efficacy of their anti-corruption initiatives. The TI measures a country's ability to combat corruption using data from organisations such as the World Bank and the World Economic Forum.[84] The ongoing issue of corruption in Afghanistan is not a recent phenomenon but rather a systemic problem that has affected the country for decades. Various factors, such as weak governance, insufficient transparency, and

---

79 Canton, H. (2021b). United Nations Office on drugs and crime—UNODC. In *The Europa Directory of International Organizations 2021* (pp. 240-244). Routledge.

80 Trautman, L. and Kimbell, J. (2018) Corruption in Afghanistan: Bribery as reported by the victims. *UNODC, 15(1), pp.6-7.*

81 Meng, C., Ghafoori, N., & Yolchi, J. (2025b). Foreign intervention, executive corruption, and economic growth in Afghanistan. *Contemporary South Asia*, 1-18.

82 *Ibid*.

83 *Ibid*.

84 *Ibid*.

widespread poverty, have facilitated the normalisation of corrupt practices.[85] The country regularly scored poorly on the Corruption Perceptions Index, even under the previous administration. Afghanistan's difficulties with corruption have persisted as a major barrier to international assistance and government, although sporadic advances have been made. Hence, the below table illustrates the vicissitudes of the corruption percentage index of Afghanistan from 2012, with an 8 score and rank of 174 out of 176 countries, to 2024, with a 17 score and 165th position among 180 countries.

Table 1.1
The Afghanistan Transparency Report 2012- 2024

Year	Score	Rank
2012	8/100	174/176
2013	8/100	175/177
2014	12/100	172/175
2015	11/100	166/168
2016	15/100	169/176
2017	15/100	177/180
2018	16/100	172/180
2019	16/100	173/180
2020	19/100	165/180
2021	16/100	174/180
2022	24/100	150/180
2023	20/100	162/180
2024	17/100	165/180

Source: Transparency International 2025

Based on the illustrations in Table 1.1, Afghanistan’s trajectory in the CPI from 2021 to 2024 reflects the significant political and institutional changes that occurred following the collapse of the Islamic Republic of Afghanistan and the subsequent consolidation of Taliban rule. Rather than reflecting a straightforward trajectory of progress or decline, the CPI scores during this period highlight shifts in perception that are influenced by regime change, the contraction of state authority, and evolving

[85] Bisogno, E. (2022). *Corruption in Afghanistan: Bribery as reported by the victims*. DIANE Publishing.

dynamics of corruption. The notable increase in 2022, succeeded by a decline in 2023 and 2024, highlights the necessity of interpreting CPI fluctuations within the wider context of fragility, authoritarian governance, and the perception-driven nature of the index. In 2021, Afghanistan's CPI score fell to 16 out of 100, ranking the country 174th out of 180 nations. This decline coincided with the fast collapse of state institutions that followed the withdrawal of international forces and the return of the Taliban to power. During this period, oversight bodies ceased functioning, public administration fragmented, and legal certainty disappeared. Transparency International highlights that in states affected by conflict and fragility, CPI scores often indicate institutional paralysis and failures in governance, rather than merely reflecting isolated acts of corruption. As a result, the 2021 score encapsulated a compounded perception of corruption, insecurity, and the breakdown of state institutions, rather than signalling a straightforward increase in corrupt practices.[86]

The most notable shift occurred in 2022, when Afghanistan's CPI score sharply increased to 24/100, resulting in an improvement in rank to 150th out of 180 countries. This rise, the largest year-on-year change in Afghanistan's CPI history, should not be interpreted as a sign of improved transparency or accountability. Nonetheless, it indicates a reconfiguration of corruption dynamics and shifts in external perceptions following the regime change. A significant factor contributing to this shift was the dramatic contraction of the Afghan state.

Moreover, the collapse of international aid flows, donor-funded projects, and large-scale public procurement, once significant sources of grand corruption, has greatly diminished opportunities for rent-seeking and bribery within formal administrative structures.[87]

Furthermore, the Taliban established highly centralised control over revenue collection, especially in customs and taxation, and publicly sanctioned officials accused of corruption. However, these actions lacked transparency, judicial independence, and due process; they led to a temporary decrease in visible petty corruption.

In perception-based assessments like the CPI, visible enforcement actions can disproportionately sway expert evaluations, particularly when baseline scores are

---

86 Dawi, A. (2025). Can the Taliban Tackle Corruption in Afghanistan?[online], 2023. 01. 31. *Forrás: Voice of America [2023. 11. 25]*.

87 *Ibid*.

exceedingly low. The CPI's methodological design, which consolidates external expert assessments instead of relying on direct institutional audits, further intensified the impact of these changes on Afghanistan's 2022 score.

The improvement observed in 2022 was ultimately unsustainable, as demonstrated by the decline in 2023, when Afghanistan's Corruption Perceptions Index (CPI) score dropped to 20 out of 100. With the consolidation of Taliban governance, informal patronage networks resurfaced, highlighting the growing absence of independent oversight institutions. Economic hardship has heightened the incentives for rent-seeking, while limitations on media, civil society, and access to information have constrained transparency.[88] Transparency International warns that authoritarian regimes may manage to suppress overt corruption temporarily through coercive enforcement; however, such improvements are unlikely to be sustainable without proper accountability mechanisms and institutional checks. This pattern continued into 2024, with Afghanistan's CPI score dropping further to 17/100, placing it 165th out of 180 countries. This regression underscores the inherent structural limitations of Taliban governance in achieving sustainable anti-corruption results.

Notwithstanding the persistent anti-corruption discussion, the absence of an independent judiciary, a free press, civil society oversight, and transparent public financial management has undermined any previous advancements in perceived integrity. Research in comparative governance illustrates that, in the absence of the rule of law and institutional independence, anti-corruption initiatives are often selective, politicised, and ultimately ineffective. Overall, the trajectory of the CPI from 2021 to 2024 indicates that corruption in Afghanistan is adaptive rather than eradicated. The temporary increase observed in 2022 can be attributed to a reduction in state complexity, changes in opportunities for corruption, and the sensitivity of perception-based measurements to shifts in regimes rather than any genuine reforms aimed at enhancing transparency.

In addition, the decline observed in 2023 and 2024 further emphasises the inherent instability of anti-corruption efforts that lack accountability. Afghanistan's experience highlights the challenges in interpreting improvements in the CPI within authoritarian and fragile-state contexts. It reinforces the notion that genuine progress in

---

[88] Meng, C., Ghafoori, N., & Yolchi, J. (2025a). Foreign intervention, executive corruption, and economic growth in Afghanistan. *Contemporary South Asia, 33*(1), 52-69.

transparency necessitates inclusive governance, institutional independence, and adherence to the rule of law.

1.3.1 The Thesis of the Research

The central thesis of this research is based on two assumptions. Initially, the rule of law is weakened due to the excessive power of officials in lawmaking and policymaking, the lack of political will, and a lack of zero tolerance against corruption in society. These factors contribute to a governance environment that compromises accountability and transparency. Consequently, the erosion of public trust in institutions becomes evident, leading to further destabilisation of the rule of law. The second thesis is that there are anti-administrative corruption laws and mechanisms in Afghanistan, but they have not been implemented effectively. It is argued that some of these anti-administrative corruption laws and mechanisms are not making the social and cultural facts in Afghanistan better, illustrating ruined law enforcement at least in the past two decades.

1.4 Research Questions

This study explored three research questions rooted in the premises, particularly concerning the fight against administrative corruption in Afghanistan. The questions were addressed by considering the practical, legal, and theoretical dimensions of combating administrative corruption. The following are the research questions:

1. What causes have led to the undermining of Afghanistan's anti-administrative corruption laws?
2. What are the approaches to diminish the rate of administrative corruption and potentially eradicate it in Afghanistan?
3. How to consolidate the rule of law in Afghanistan?

1.5 Research Objectives

The above research questions will necessitate the following research objectives:

1. To critically examine the effectiveness of Afghanistan's anti-administrative corruption laws and mechanisms, the objective incorporates a comparative analysis of Singapore's anti-corruption framework, characterised by a robust and independent anti-corruption agency with stringent enforcement policies, as well as New Zealand's transparency-orientated system, which prioritises open governance, accountability, and citizen engagement. The comparison seeks to identify deficiencies in Afghanistan's legal and institutional frameworks while also deriving lessons to improve enforcement, oversight, and ethical compliance within the public sector.
2. To propose a practical framework for combating administrative corruption in Afghanistan, while drawing lessons from Singapore's independent anti-corruption agency and the transparent governance practices of New Zealand, ensuring that the approach is tailored to fit Afghanistan's specific institutional context.
3. To strengthen the rule of law and foster public trust by adopting strategies from Singapore and New Zealand that encourage ethical leadership, accountability, transparency, and citizen engagement.

1.6 Scope of the Research

The scope of this research is limited to fighting administrative corruption in Afghanistan. The delimitation of this research is limited to the Afghanistan jurisdiction in combating administrative corruption and its obligation to follow the international conventions on Afghanistan corruption that it has ratified. This study examines the factors that undermine Afghanistan's anti-corruption legislation and additionally examines strategies for lowering corruption in the aftermath of anti-administrative corruption laws. In Afghanistan, the laws that provide directions on eliminating administrative corruption are the Law on Monitoring the Implementation of the Anti-Administrative Corruption Strategy 2008 and the Anti-Administrative Corruption Act 2018. The Anti-Administrative Corruption Act 2018 indicates the authorities of this law and how it monitors the officials' and employees' performances in tackling administrative corruption.

The Law on Monitoring the Implementation of the Anti-Administrative Corruption Strategy 2008 establishes measures to oversee the execution of the anti-

administrative corruption strategy. It outlines procedures for administrative reform across all departments of the Afghan government, aiming to effectively prevent and combat administrative corruption.[89] This strategy not only aimed to enhance transparency and accountability but also encouraged the establishment of robust mechanisms for reporting and addressing corruption. By fostering a culture of integrity, the government hoped to rebuild trust among its citizens and promote sustainable development. However, anti-administrative corruption acts extend beyond the two laws previously mentioned in Afghanistan; there are additional local and international regulations enacted to combat administrative corruption. These include the Fighting Administrative Corruption Procedure and Action Plan Protection of Whistleblowers 2019, the Anti-Corruption Mechanism 2016, The Draft United Nations Code of Conduct on Transnational Corporations 1983, the United Nations Convention against Corruption 2003 (UNCAC), the Santiago Commitment to Fight Corruption and Ensure Transparency 2004, and the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions 1997 that Afghanistan has ratified. Therefore, this research's scope is limited to the jurisdiction of Afghanistan.

To enhance the analysis and provide actionable recommendations, the study benchmarks Afghanistan's anti-corruption efforts against international best practices, specifically focusing on Singapore and New Zealand. Singapore is evaluated for its enforcement-oriented anti-corruption strategies, which encompass independent agencies, rigorous legal enforcement, and merit-based civil service systems. New Zealand is examined for its focus on transparency and governance built on trust, which prioritises open procedures, citizen engagement, and ethical leadership.

By contrasting Afghanistan's legal frameworks and mechanisms with those of these countries, the research identifies valuable lessons and strategies that could be tailored to enhance governance, accountability, and public trust in Afghan institutions. The study includes a comparative analysis with Singapore and New Zealand, recognising the variations in socio-political and economic contexts. Its objective is to derive practical and contextually relevant lessons, rather than suggesting a straightforward replication of foreign systems.

---

89 *Law on monitoring the Implementation of the anti-administrative corruption Strategy 2008,* Art. 1.

1.7 Research Methodology

This section of the chapter outlines the methodological approach used in this research, which investigates the legal and institutional frameworks for addressing administrative corruption in Afghanistan. The study adopts a purely doctrinal, library-based methodology, focusing on the analysis of legal texts, institutional documents, official reports, and scholarly literature. The doctrinal approach is appropriate, as the research questions focus on the effectiveness, coherence, and implementation of anti-corruption laws, rather than on the social or behavioural dimensions of corruption. This emphasis renders textual and normative analysis the most suitable method.[90]

In addition to the doctrinal analysis, the study applies a comparative methodology, examining Singapore and New Zealand as benchmark jurisdictions. These two countries have been chosen because they represent contrasting yet highly effective strategies for combating corruption, thereby providing a balanced perspective for evaluating Afghanistan's deficiencies and pinpointing lessons for reform. Singapore exemplifies a centralised, enforcement-oriented model,[91] whereas New Zealand represents an approach grounded in transparency and trust. To enhance the analytical depth of the study, Cressey's Fraud Triangle Theory and Fayol's Administrative Management Theory are incorporated. The Fraud Triangle Theory elucidates the fundamental motivations behind corrupt behaviour.[92] In contrast, Fayol's theory provides a framework for assessing administrative structures and institutional design in the public sector. These theoretical frameworks enhance the doctrinal and comparative study, facilitating a comprehensive understanding of the legal and managerial aspects of anti-corruption initiatives in Afghanistan. Chapter Two will critically analyse and operationalise these theories, linking the legal provisions to the structural and behavioural factors contributing to administrative corruption in Afghanistan.

The research methodology section is structured as follows: it commences with an explanation of the research design and the rationale behind adopting a non-empirical approach. This is followed by an overview of doctrinal legal methodology.

---

90 Bhat, P. I. (2020). Doctrinal legal research as a means of synthesizing facts, thoughts, and legal principles. *Idea and methods of legal research*, 88-91.

91 Quah, J. S. (2017b). Singapore's success in combating corruption: lessons for policy makers. *Asian Education and Development Studies, 6*(3), 263-274.

92 Sánchez-Aguayo, M., Urquiza-Aguiar, L., & Estrada-Jiménez, J. (2021). Fraud detection using the fraud triangle theory and data mining techniques: A literature review. *Computers, 10*(10), 121.

Subsequently, the section outlines the comparative methodology and delineates its scope. The integration of theoretical frameworks is subsequently examined, alongside a detailed description of the data sources and analytical techniques employed. Furthermore, this portion of the chapter provides a rationale for selecting Singapore and New Zealand as comparative models, concluding with a discussion of the limitations inherent in the methodology.

1.7.1 Research Approach

The study adopts a doctrinal library-based approach, which involves the systematic examination of legal texts, statutes, institutional rules, and scholarly commentaries to evaluate the law, identify gaps, and propose reforms.[93] This approach allows for the detailed analysis of Afghanistan's anti-corruption legal framework, including the Constitution 2004, in which Article 75 of this law obligates the government to combat any type of corruption, including administrative corruption: "maintenance of public law and order and elimination of all types of administrative corruption", the Bribery and Administrative Corruption Act 2004; the Covenant Against Administrative Corruption 2003; the Penal Code 2017; the Anti-Corruption Law 2018; the Law on Supervision of the Implementation of the Anti-Corruption Strategy; and the Protection of Whistleblowers of Administrative Corruption Crimes Act 2018.

Through doctrinal analysis, the study assesses legal clarity, institutional mandates, and enforcement mechanisms, while also identifying structural weaknesses and contradictions. A comparative doctrinal analysis of Singapore and New Zealand provides helpful details about best practices regarding institutional design, legal enforcement, transparency, and citizen participation.

By integrating doctrinal analysis with Fraud Triangle Theory, the study explores how legal frameworks can effectively address corruption stemming from pressure, opportunity, and rationalisation. In addition, Fayol's principles are utilised to evaluate the design of institutions, the oversight of management, and the ethical governance practices within Afghan institutions.

---

[93] Hutchinson, T., & Duncan, p. (2012). Defining and describing what we do: doctrinal legal research. *Deakin law review, 17*(1), 83-119.

The study further employs thematic analysis as a systematic approach to synthesising insights from Afghan laws and benchmark frameworks. This method facilitates the extraction of recurring themes and codes, including institutional independence, transparency, legal clarity, ethical compliance, whistleblower protection, and enforcement effectiveness. These themes constitute the foundation for developing an appropriate and historically pertinent anti-corruption framework for Afghanistan.

1.7.2 Research Design

The research design is structured, systematic, and library-based, ensuring a thorough doctrinal evaluation. Initially, all relevant Afghan anti-corruption laws and institutional regulations, along with Singapore's Prevention of Corruption Act 1960) and CPIB regulations, as well as New Zealand's Crimes Act 1961 and Public Finance Act 1989, are compiled and reviewed.

Moreover, a doctrinal analysis of Afghan legislation is then undertaken, concentrating on aspects such as the scope, enforceability, clarity, and institutional mandates. Special emphasis is placed on provisions that pertain to bribery, administrative corruption, whistleblower protection, and oversight mechanisms.

Furthermore, comparative doctrinal benchmarking is conducted to draw lessons from the experiences of Singapore and New Zealand, with particular attention to aspects such as institutional independence, the rigour of enforcement, transparency, citizen engagement, and ethical governance.

In addition, the Fraud Triangle Theory is applied to evaluate how legal provisions and institutional arrangements reduce pressure, limit opportunities, and prevent the rationalisation of corruption,[94] while Fayol's principles are used to assess managerial effectiveness, unity of command, centralisation, discipline, equity, and stability of tenure.[95]

Additionally, thematic analysis is going to be conducted on Afghan laws and benchmark frameworks to identify overarching themes and codes, which are subsequently synthesised into a normative anti-corruption framework for Afghanistan. This thematic approach facilitates the identification of patterns and principles crucial

---

94 Schuchter, A., & Levi, M. (2016). The fraud triangle revisited. *Security Journal, 29*(2), 107-121.
95 Chhetri, P. (2021). Library Management with Fayol's 14 Principles: Practical Insights.

for enhancing enforcement, transparency, and ethical governance.

1.7.3 Data Collection

The findings of this research are based on primary and secondary data. According to Joop and Hennie, data sources can be separated into primary and secondary data.[96] Unlike primary sources, which are gathered specifically for the research problem at hand, secondary sources are not considered primary. The process of collecting secondary data begins with a literature review. This phase is essential for identifying and understanding the existing body of research knowledge and its key issues. By critically analysing previous studies, researchers can pinpoint gaps in the literature that their work may address. This comprehensive understanding not only informs the design of their research but also enhances the relevance and impact of their findings within the broader academic discourse.[97]

The literature review in this research was carried out by analysing primary resources, specifically the Afghanistan constitution of 2004, anti-administrative corruption laws and strategies, and international anti-administrative corruption acts. This approach provided a comprehensive understanding of the legal framework governing administrative practices in Afghanistan. By analysing these documents, the study highlights challenges and possible shortcomings in enforcement that may hinder effective governance and contribute to the prevalence of corruption.

In this research, the primary data comprises Afghan legal texts, statutes, regulations, and institutional laws, which form the basis for doctrinal analysis. Laws are regarded as primary data because they define corruption, establish institutional responsibilities, prescribe procedures, and provide mechanisms for enforcement and accountability[98]

The research specifically analyses several key legal instruments, including the Constitution of Afghanistan 2004, the Bribery and Administrative Corruption Act 2004, the Covenant Against Administrative Corruption 2003, the Penal Code 2017, the Anti-

---

96 Hox, J. J., & Boeije, H. R. (2005). Data collection, primary versus secondary.

97 Milian, E. Z., Spinola, M. d. M., & de Carvalho, M. M. (2019). Fintechs: A literature review and research agenda. *Electronic Commerce Research and Applications, 34*, 100833.

98 Hutchinson, T., & Duncan, N. (2012). Defining and describing what we do: doctrinal legal research. *Deakin law review, 17*(1), 83-119.

Corruption Law 2018, the Law on Supervision of the Implementation of the Anti-Corruption Strategy, and the Protection of Whistleblowers of Administrative Corruption Crimes Act 2018.

The primary legal instruments offer extensive insights into the extent of administrative corruption, the responsibilities of public institutions, the legal penalties involved, ethical standards, and the procedural mechanisms for enforcement.[99]

Furthermore, the study incorporates benchmark legal frameworks from Singapore and New Zealand to enable a comparative doctrinal analysis. The Prevention of Corruption Act 1960 and the regulatory structure of the Corrupt Practices Investigation Bureau (CPIB) in Singapore illustrate a centralised, autonomous, and enforcement-focused anti-corruption framework.[100] New Zealand's Crimes Act 1961 and Public Finance Act 1989 exemplify an approach centred on transparency and good governance.[101] These benchmark frameworks establish normative standards, facilitating the identification of best practices, lessons learnt, and structural features that can contribute to Afghanistan's fighting corruption process.

The first step in gathering secondary data begins with the literature review on the law, administrative law, administrative corruption, types of corruption, common causes of corruption, the rule of law in Afghanistan, and administrative law in Afghanistan. This procedure is crucial for recognising and understanding the existing body of knowledge on the topic and its primary concerns. By thoroughly examining these aspects, researchers can identify gaps in the literature and formulate pertinent questions for further investigation. This foundational knowledge not only informs future studies but also aids in the development of effective strategies to combat corruption within the administrative framework.[102]

Moreover, secondary sources were examined, encompassing various sources such as journals, textbooks, international and local reports, articles, and online resources from both government and non-government organisations. Additionally, the Max Planck Society, LexisNexis, Hein Online, Google Scholar, Emerald, and

---

99 Rikza, A. (2016). Optimalizing The Role of United Nation Assistance Mission in Afgahanistan (UNAMA) for Helping Afghanistan's Strategy Succeed Fight Against Corruption.

100 Quah, J. S. (2003). Curbing corruption in Asia: A comparative study of six countries. *(No Title)*.

101 Carroll, P., & Kellow, A. (2021). *The OECD: A decade of transformation: 2011–2021*. Walter de Gruyter GmbH & Co KG.

102 Milian, E. Z., Spinola, M. d. M., & de Carvalho, M. M. (2019). Fintechs: A literature review and research agenda. *Electronic Commerce Research and Applications, 34*, 100833.

Cambridge Core were among the other academic and legal establishment websites that were consulted. The method employed in this research is doctrinal research, which primarily involved the arrangement, ordering, and analysis of legal frameworks, legal strictures, and case law. This approach aimed to generate new knowledge through an extensive review of legal literature, without the inclusion of any fieldwork.[103]

Within this context, doctrinal analysis enables researchers to appreciate the laws and legal institutions, engage meaningfully in discussions about legislation, and, most importantly, equips law researchers with valuable skills in critical thinking and moral reasoning.[104] These skills are essential not only for academic success but also for navigating the complexities of real-world legal challenges. By fostering a deep understanding of legal principles, students are better prepared to advocate for justice and contribute effectively to their communities.[105]

In addition, researchers and academics rely significantly on doctrinal analysis. It makes it possible to concentrate more on cases involving the highest court's significant precedent-breaking rulings.[106] Hence, a systematic review is conducted so that the research can summarise the results of previous studies on a research question basis

1.7.4 Data Management and Analysis

The legal doctrinal library-based methodology employed by the researcher produces textual analysis of legal sources rather than non-numeric data, which requires the researcher to manage. Primarily, the collected data must be interpreted. Such a critical phase is sometimes referred to as translating and interpreting raw data.[107]

Initially, it is necessary to make sense of the collected data. Such as a crucial step widely known as interpreting raw data. Cleaning data is arranging it in a logical

---

103 Hutchinson, T., & Duncan, N. (2012). Defining and describing what we do: doctrinal legal research. *Deakin law review, 17*(1), 83-119.

104 Lammasniemi, L. (2021). *Law dissertations: A step-by-step guide*. Routledge.

105 Kazmierski, V. (2014). How much "law" in Legal Studies? Approaches to teaching legal research and doctrinal analysis in a Legal Studies program. *Canadian Journal of Law and Society/La Revue Canadienne Droit et Société, 29*(3), 297-310.

106 Linos, K., & Carlson, M. (2017). Qualitative methods for law review writing. *U. Chi. L. Rev., 84*, 213.

107 Lammasniemi, L. (2021). *Law dissertations: A step-by-step guide*. Routledge.

design that can be easily comprehended and analysed.[108] Besides that, it involves translating a portion of the data from Persian/Dari into English. This is because some of the resources, mainly primary sources, are only available in Dari or Pashto; for example, the Fighting Administrative Corruption Procedure and Action Plan Protection of Whistle-blowers 2019 Law is only available in Persian and Pashto, and there was a need for translation into English.

In addition, the data analysis in this research involves using doctrinal content analysis in conjunction with thematic synthesis. Key legal provisions and institutional mandates are identified and assessed for clarity, scope, and enforceability. Moreover, comparative benchmarking employed in this research emphasises structural and normative distinctions, whereas thematic coding facilitates the identification of patterns and principles. Furthermore, the theoretical concepts in this research are matched to these patterns, establishing a realistic anti-corruption framework specifically designed for Afghanistan's setting.

1.7.5 Theoretical Framework

The study employs Fraud Triangle Theory (1953) and Fayol's Administrative Management Theory (1949). The Fraud Triangle identifies pressure, opportunity, and rationalisation as drivers of corrupt behaviour. In this research, pressure is addressed through the implementation of salary structures, the establishment of administrative safeguards, and the provision of legal protections. Opportunity is mitigated by designing robust institutional frameworks and enforcing effective mechanisms. Rationalisation is constrained through the introduction of ethical codes, citizen oversight, and measures to enhance transparency. Fayol's principles, unity of command, centralisation, discipline, equity, and stability of tenure, are employed to evaluate the managerial and institutional dimensions of anti-corruption enforcement. Singapore serves as a prime example of strong centralised enforcement and disciplined administration, whereas New Zealand places greater emphasis on transparency, participatory oversight, and ethical leadership. These theoretical frameworks direct the assessment of Afghan laws and institutions and form the suggested anti-corruption

---

[108] Chu, X., Ilyas, I. F., Krishnan, S., & Wang, J. (2016). Data cleaning: Overview and emerging challenges. Proceedings of the 2016 international conference on management of data,

framework.

1.7.6 Comparative Doctrinal Benchmarking

New Zealand's and Singapore's frameworks serve as normative benchmarks in this research. Singapore effectively controls corruption through the Corrupt Practices Investigation Bureau (CPIB), rigorous enforcement, and centralised oversight, which ensure institutional independence and accountability.[109] In contrast, New Zealand focuses on transparency, citizen engagement, and procedural accountability, as evidenced by the Crimes Act 1961 and the Public Finance Act 1989.[110]

A comparative doctrinal analysis provides effective practices, structural innovations, and insights that can guide Afghanistan's legal and institutional improvements against corruption.

1.7.7 Thematic Analysis

Thematic analysis is employed to synthesise insights from Afghan legislation and benchmark frameworks. This process is initiated by coding legal provisions to identify recurring principles and mechanisms. Cross-cutting themes include institutional independence and enforcement capacity, transparency and accountability, legal clarity and consistency, ethical leadership and compliance, whistleblower protection and citizen engagement, as well as enforcement effectiveness and deterrence.

These themes are aligned with the Fraud Triangle Theory, which addresses mitigating pressure, opportunity, and rationalisation, and with Fayol's principles, which inform managerial and administrative design. The themes extracted are then synthesised to propose a context-specific anti-corruption framework for Afghanistan, incorporating doctrinal lessons from Singapore and New Zealand.

---

109 Quah, J. S. (2003). Curbing corruption in Asia: A comparative study of six countries. *(No Title)*.

110 Carroll, P., & Kellow, A. (2021). *The OECD: A decade of transformation: 2011–2021*. Walter de Gruyter GmbH & Co KG.

1.7.8 Data Quality

The researcher is primarily concerned with the quality and novelty of the research. The validity of research data drives the entire research procedure included in this study. Intrinsically, the collected data are subjected to accuracy.[111] Silverman argues that data validation consists of internal and external validity.[112] However, data validation, as delineated in both research and computing domains, emphasises the assurance of data quality, accuracy, and reliability. The concepts of "internal" and "external validity" are primarily related to research design and the generalisability of study results, rather than the data validation process itself.[113]

These multiple data, primary and secondary, were analysed and referenced, and the targeted concepts and impediments identified in the research were achieved. Extracting data from different sources is called triangulation, which discusses patterns and validates data.[114] Internal validity evaluates whether the research design, conduct, and analysis answer the research questions and obtain research objectives without bias. While external validity examines whether it is possible to generalise the research's findings to other contexts. Moreover, the internal validity process demands adopting operational measures to create correct and relevant data. The external validation process demands generalising the research findings to the other context.

1.7.9 Justification of the Methodology

The methodology is supported by the study's focus on legal texts and institutional structures, which justifies its application. The frameworks of Singapore and New Zealand serve as normative benchmarks, while the Fraud Triangle and Fayol's principles provide conceptual guidance that connects law, behaviour, and management. Through thematic analysis, a systematic synthesis of doctrinal insights is achieved, leading to a coherent and actionable anti-corruption framework.[115] This research

---

111 Silverman, D. (2011). A guide to the principles of qualitative research.

112 *Ibid*.

113 Leung, L. (2015). Validity, reliability, and generalizability in qualitative research. *Journal of family medicine and primary care, 4*(3), 324-327.

114 McFee, G. (1992). Triangulation in research: two confusions. *Educational Research, 34*(3), 215-219.

115 Hutchinson, T., & Duncan, p. (2012). Defining and describing what we do: doctrinal legal research. *Deakin law review, 17*(1), 83-119.

employed a legal library-based methodology and demonstrates academic rigour.

1.8 Limitations of the Study

This research is subject to several methodological and contextual limitations that influence its scope, depth, and generalisability. The most significant limitation is the inability to conduct interviews or gather first-hand empirical insights from Afghan officials, legal practitioners, civil society actors, or anti-corruption experts. Given Afghanistan's persistent political instability, security issues, and the disintegration of institutional frameworks following the regime change in 2021, it proved unfeasible to access interviewees or to gather qualitative data regarding the lived experiences of administrative corruption. As a result, the research is exclusively based on sources, statutory texts, institutional documents, international reports, and doctrinal analysis. This reliance restricts the ability of the study to evaluate how anti-corruption laws operate in practice within the Afghan public administration.

A second limitation arises from relying solely on one research methodology, specifically, doctrinal, library-based legal research. Although doctrinal analysis is suitable for examining statutes, legal frameworks, and institutional structures, it falls short in providing the empirical or sociological data needed to assess the implementation, enforcement, or real-world impact of anti-corruption mechanisms.

The lack of methodological triangulation, such as integrating doctrinal analysis with interviews, field research, or quantitative data, confines the study to a largely normative and conceptual evaluation of the law. The findings primarily elucidate what the law states or intends, rather than illustrating how corruption is experienced, resisted, or perpetuated by citizens and officials within Afghan institutions.

Another significant limitation concerns the language barriers associated with Afghan legislation and policy documents. Most official Afghan laws, such as the Bribery and Administrative Corruption Act 2004, the Anti-Corruption Act 2018, and the Whistleblower Protection Act 2018, as well as other statutory instruments, are predominantly available in Dari. Although considerable efforts were made to utilise verified and reputable translations, the potential for misinterpretation or the loss of legal nuance cannot be entirely dismissed. This linguistic challenge limits the accuracy with which specific doctrinal concepts can be interpreted and may undermine the reliability of comparative analysis with New Zealand and Singapore, where legal materials are

primarily available in English.

1.9 Significance of the Study

It is crucial to consider the status of administrative corruption research given the current level of discussion and criticism of existing research approaches in Afghanistan. However, the volume of research has increased exponentially over the past few years. Many of the approaches to combating corruption have yielded few documented results, and researchers are yet to find instructions for fighting administrative corruption. This research provides an accurate, reliable, and reasonable framework for fighting administrative corruption in Afghanistan.

Furthermore, this research has remarkable benefits for the Afghan government, which can modernise its administrative system by providing an effective anti-corruption framework, strengthening the rule of law, enhancing the anti-corruption agencies' efficacy, and supporting civil society in the country.

Additionally, researchers can use this research as a reliable resource in their research to benefit from its practical measures of combating administrative corruption.

In addition, this research would help countries in similar legal and social situations combat corruption.

1.10 Literature Review

Corruption in Afghanistan, particularly administrative corruption involving public sector bribery, embezzlement, procurement fraud, and nepotism, has long undermined state-building and governance. Despite the formal establishment of several anti-corruption organisations and the enactment of anti-corruption laws since 2001, reports from practitioners and empirical research consistently indicate that these legal frameworks have been ineffective in preventing widespread abuse by officials in their public roles.[116] In order to address the research question, "What factors have contributed to the weakening of Afghanistan's anti-corruption laws?" This section examines the academic and policy-focused literature. The review proceeds chronologically (from pre-2001 to present) and thematically, highlighting structural

[116] Merkle, O. (2018). Overview of corruption and anti-corruption. *Transparency International Anti-Corruption Center*.

weaknesses, political economy dynamics, and regime change as the main drivers of law-breaking and impunity.

a) Historical Legacies and Pre-2001 Context

The Foundations of Institutional Weakness. Afghanistan's persistent corruption must be understood in the context of its extensive history of conflict, fragmentation, and institutional failure. Decades of war, notably the Soviet invasion (1979–1989), the ensuing civil war (1992–1996), and the subsequent rise of the Taliban, severely undermined formal state structures, disrupted coherent governance, and entrenched decentralised, informal power systems, such as warlords and tribal or ethnic networks.[117]

As noted by Raja (2024), the relentless cycles of conflict have left Afghanistan "devastated", destroying the administrative core and displacing populations, which undermines any continuity of state capacity. Scholars similarly contend that the effects of war and social fragmentation have significantly weakened the prospects for establishing a functional, inclusive bureaucracy or civil service system. This history led to a "capacity gap", reflecting a structural deficit in the state's ability to administer public services, enforce laws, and conduct oversight. One study indicates that years of instability rendered Afghanistan one of the world's weakest states, struggling even with fundamental governance.[118] By 2001, Afghanistan had insufficient institutional depth and legitimacy for effective law enforcement and governance. This legacy would significantly influence the outcomes of anti-corruption efforts in the 2000s.

b) Aid Influx, Patronage Networks, and Institutional Strain 2005–2013

According to McDevitt, With the influx of international aid and reconstruction funds into Afghanistan, the potential for high-stakes rent-seeking increased significantly. The considerable inflow of donor money, coupled with inadequate oversight and procurement systems, fostered an environment ripe for corruption.[119] Multiple analyses suggest that the extensive, poorly regulated flows of aid and contracts have significantly contributed to administrative corruption. Concurrently, appointments to public office within ministries, the civil service, and procurement boards have

---

117 Raja, W. A. (2024). Study of Internal Conflict (SOIC): Afghanistan 2001–2021. (Case Studies). . *British Journal of Middle Eastern Studies, 51*(4), 810-829.

118 Partaw, A. M. (2025). The Challenge of Legitimacy and Governance in Fragile States: A Case Study of Afghanistan. *Democracy and Security*, 1-31.

119 McDevitt, A. (2016). Afghanistan: Overview of Corruption and anti-corruption with a Focus on Development Assistance. *U4 Anti-Corruption Resource Centre*, 1-16.

increasingly transformed into tools of political patronage, rather than being based on meritocratic principles or established governance rules.[120] Influential entities exploited their power to manipulate resources, contracts, and positions, subverting anti-corruption legislation and standards.

Furthermore, De Lauri elaborated that the fragility of the judiciary, combined with overlapping institutional responsibilities and weak accountability, led to infrequent or selective prosecutions and legal outcomes, even when corruption was suspected.[121] It is argued that the legal framework existed alongside a political-economic environment where patronage, discretionary contracting, and elite capture became commonplace, making the laws ineffective. In effect, the legal framework coexisted with a political and economic reality characterised by patronage, discretionary contracting, and elite capture, which became normative and rendered the laws ineffective.

c) Prominent Scandals from 2010 to 2014, Primarily the Kabul Bank Crisis and the Erosion of Trust

The 2010–2011 crisis at Kabul Bank marked a pivotal moment, exposing the extent of elite capture and highlighting the inadequacies of formal legal and regulatory mechanisms. Partlow contended in the Guardian that the bank operated essentially as a large Ponzi scheme, characterised by substantial loans granted to shareholders and individuals with political connections, the transfer of funds overseas, the creation of fictitious companies, and the use of forged documentation, all occurring with minimal regulatory oversight or intervention.[122] According to reports from the Guardian, the public inquiry into the crisis revealed that political interference and a lack of accountability for powerful individuals, including relatives of then President Hamid Karzai and other senior elites, resulted in a de facto collapse of accountability.[123] According to the ongoing argument presented by the Guardian in its reports from 2011 and 2012, although the government intervened to bail out the bank and a handful of senior executives faced convictions, the recovery of stolen assets was minimal, leaving

---

120 Hassan, O. (2023). Afghanistan: Lessons learnt from 20 years of supporting democracy, development and security. *Bruxelas, Bélgica: Directorate General for External Policies of the Union*.

121 De Lauri, A. (2013a). Corruption, legal modernisation and judicial practice in Afghanistan. *Asian Studies Review, 37*(4), 527-545.

122 Partlow, J. (2011). Elaborate Ruse Behind Vast Kabul Bank Fraud. *The Washington Post*.

123 Boone, J. (2017). Kabul Bank fraud: consultants ignored warning signs, report says. The Guardian. https://www.theguardian.com/world/2011/may/11/kabul-bank-fraud-report

many powerful individuals unaccountable. Legal sanctions, even when formally imposed, proved to be inadequate in being "proportionate, dissuasive, and effective." The scandal highlighted a fundamental truth: weaknesses in financial regulation, collusion among elites, and selective enforcement can render anti-corruption laws ineffective. In essence, while the rules were in place, the necessary enforcement mechanisms and political will to implement them were lacking.

d) Continued Governance Fragility, Selective Enforcement, and Politicised Institutions (2014–2021)

Despite repeated public commitments by successive governments, including that of Ashraf Ghani, to combat corruption, many analysts, including McDevitt, and practitioners conclude that anti-corruption enforcement has remained selective and inconsistent.[124] Structural problems continued, the judiciary remained feeble and reliant, various oversight entities exhibited overlapping jurisdictions, and there was minimal transparency in procurement and public-sector recruitment. Political compromises and the need to co-opt[125] influential individuals, security commanders, regional warlords, and senior officials shielded numerous corrupt actors from prosecution. Moreover, researchers contend that widespread corruption and a deficiency of institutional trust have progressively undermined state legitimacy. This decline has diminished citizens' motivation to engage with the government or to report instances of abuse. This has adversely affected both formal governance and informal social accountability mechanisms. In summary, UNAMA reports indicate that from 2014 to 2021, Afghanistan's anti-corruption laws were primarily symbolic, with actual corruption perpetuated by deeply rooted networks of patronage, institutional frailty, and political manoeuvring.[126] This review's subsequent part addresses Afghanistan's post-2021 transparency breakthrough.

The Taliban's takeover in 2021 significantly transformed the political and institutional landscape. Recent news reports indicate that the previous anti-corruption system has largely collapsed, been usurped, or ceased to function. For instance, a report

---

124 McDevitt, A. (2016). Afghanistan: Overview of Corruption and anti-corruption with a Focus on Development Assistance. *U4 Anti-Corruption Resource Centre*, 1-16.

125 "Co-opting influential individuals" refers to the process of integrating an external individual into an established group, system, or strategy, usually to leverage their expertise or mitigate potential opposition. This process is termed co-optation.

126 Schweiger, R. (2022). FIGHTING CORRUPTION IN AFGHANISTAN-STEPPING UP TRANSPARENCY, INTEGRITY AND ACCOUNTABILITY.

from the SIGAR in 2025 says that Taliban authorities have used force and coercion to divert international aid intended for humanitarian and development purposes.[127] According to analysts, the collapse of the previous governance system, which included public finance, civilian administration, and oversight institutions, has resulted in the absence of a functional rule-of-law framework for addressing corruption in the current circumstances.[128] In this new environment, substantial aid flows continue; however, there has been a significant reduction in transparency, donor access, and independent oversight. Consequently, the risks of diversion, nepotism, and patronage have arguably increased. These challenges not only undermine the effectiveness of aid but also hinder long-term development efforts, perpetuating a cycle of dependency and instability. Without a concerted effort to rebuild these critical institutions, the potential for sustainable progress remains bleak.

Therefore, from this chronological overview, numerous interrelated causes consistently surface in the literature regarding the erosion of anti-corruption legislation in Afghanistan. These factors are neither isolated nor independent; rather, they mutually reinforce one another, establishing a self-perpetuating cycle of corruption, impunity, and institutional decay. This section of the review seeks to analyse the identified factors to establish a foundation for proposing an anti-corruption framework for Afghanistan in the subsequent chapters.

Raja, Adelkhan, and Cepr elaborated on the issues of weak institutional capacity and administrative fragility. The decades of conflict severely undermined formal state structures. Even after 2001, efforts towards capacity building were inconsistent and inadequate; numerous institutions continued to lack essential resources, qualified personnel, and effective systemic checks. According to Eztarabi, the interlocking causes that frequently arise in the literature are elite capture and political patronage. Influential individuals, including warlords, political leaders, and security commanders, have exploited aid and contracts to amass personal wealth and establish networks.[129] This patronage politics has undermined meritocratic principles and enabled corrupt actors to evade accountability.

---

127 Shimada, H. (2025). Aid paradox for unrecognized governments: The Taliban and aid. *Development Policy Review, 43*(3), e70008.

128 *Ibid*.

129 Eztarabi, M., Sinaee, V., & Mohaghar, A. (2025). Democratization in Afghanistan (2001–2021): Structural Challenges and the Collapse of Democratic Governance.

As Andy McDevitt, a transparency analyst, highlighted, significant, poorly governed aid and contract flows were prevalent. The influx of international aid generated high-value rent opportunities in areas such as reconstruction, procurement, and foreign-funded projects.[130] However, without robust oversight, these opportunities became major vectors for corruption. The Guardian reported, and Partlow illustrated weaknesses in regulatory and oversight mechanisms. Overlapping jurisdictions, insufficient funding, ambiguous mandates, and a lack of independent enforcement capacity meant that even when rules were in place, enforcement was often weak, slow, or non-existent.[131] Moreover, selective enforcement and impunity are significant concerns. High-profile scandals, such as the Kabul Bank case, often result in minimal consequences for influential elites. In these instances, prosecutions tend to be delayed, insufficient, or entirely lacking. As a result, the intended deterrent effect of laws is virtually non-existent.

Adelkhan and Raja elaborated that a continual reason for the undermining of anti-corruption laws in Afghanistan is the environment of conflict and insecurity. They argue that the persistent insurgency, war, and instability have weakened the state's reach, particularly outside of Kabul, making oversight and enforcement challenging. This situation has also empowered local commanders and warlords to operate autonomously.[132]

Based on the discussion in this review, regime change, and the breakdown of the old enforcement system are the seventh reason that the anti-corruption laws in Afghanistan are not being followed. The 2021 takeover by the Taliban led to the dismantling of much of the administrative and regulatory framework established between 2001 and 2021.[133] Furthermore, the diversion of aid under the new regime indicates the emergence of a different form of corruption.

These factors mutually reinforce one another. For example, weak institutions lead to ineffective oversight; ineffective oversight reduces the cost of corruption, thereby bolstering patronage networks; powerful elites resist reforms, hindering

---

130 McDevitt, A. (2016). Afghanistan: Overview of Corruption and anti-corruption with a Focus on Development Assistance. *U4 Anti-Corruption Resource Centre*, 1-16.

131 Partlow, J. (2011). Elaborate Ruse Behind Vast Kabul Bank Fraud. *The Washington Post*.

132 Adelkhah, F. (2017). War and state (re) construction in Afghanistan: conflicts of tradition or conflicts of development? In *Development as a Battlefield* (pp. 135-163). Brill Nijhoff.

133 Oh, S., Morini, P., Hudson, J., & Hudson, D. (2025). After Kabul: Addressing concerns about corruption in donor publics by rechannelling aid.

institutional strengthening; conflict further erodes state capacity; and regime change resets any remaining progress, perpetuating the vicious cycle. The ensuing discussion on this segment of literature highlights the deficiencies and controversies within the existing literature review.

The literature identifies several debates and gaps, which are important for framing research agendas and understanding limitations. Initially, the distinction between law on the books and law in practice is significant. Scholars such as McDevitt and Adelkhah emphasise that the issue is not the absence of laws but rather the failure to implement them. Although formal frameworks exist, they often lack the necessary enforcement capacity. The role of donor aid: enabler or mitigator? While inflows of aid have created opportunities for rent-seeking and corruption, certain donor-driven accountability mechanisms—such as conditionality, project audits, and external oversight are sometimes credited with offering partial mitigation. The effectiveness of these mechanisms hinges on their design and implementation. Thirdly, there is the issue of post-2021 uncertainty and data gaps. The change in regime has disrupted existing institutions and hindered data collection, resulting in a scarcity of rigorous empirical studies on corruption in the post-2021 period.[134] Most of the evidence available so far is derived from watchdog reports, journalistic investigations, and preliminary analyses, such as the 2025 SIGAR report. Fourthly, there are structural versus agency explanations: some argue that corruption arises from structural factors such as a legacy of war, weak institutions, and the political economy, while others emphasise individual or policy failures, including poorly designed anti-corruption bodies, a lack of political will, and elite misbehaviour. The literature does not always clearly distinguish between these perspectives.

The ongoing debates highlight the urgent requirement for enhanced empirical and longitudinal research focused on combating administrative corruption in Afghanistan, particularly in the context of post-2021 developments. It is essential to comprehend how the evolving political landscape influences corruption dynamics and to identify an effective framework for addressing administrative corruption in the country.

---

[134] Murtazashvili, J. B. (2025). The collapse of Afghanistan. *Journal of democracy, 33*(1), 40-54.

1.11 Outline of the Research Thesis

This part of the chapter illustrates the outline of the thesis, which contains seven chapters. Chapter One is the introductory chapter, which explains the background of the research, the problem statement, research questions, research objectives, research methodology, the scope of the research, limitations of the research, significance of the research, literature review, and the comprehensive structure of the entire research thesis.

Chapter Two establishes the conceptual and legal foundation for the study. It examines the definitions, types, and characteristics of administrative corruption and provides a doctrinal analysis of Afghanistan's key anti-corruption laws, including the Constitution 2004, the Bribery and Administrative Corruption Act 2004, the Anti-Corruption Act 2018, the Penal Code 2017, and the Whistleblower Protection Act 2018. The chapter also integrates theoretical frameworks such as the Fraud Triangle Theory and Fayol's Management Theory to explain the causes and organisational dynamics of corruption. Finally, it develops the thematic framework that guides the analysis of legal texts and comparative insights, focusing on transparency, accountability, institutional independence, ethical leadership, and enforcement mechanisms. This chapter forms the foundation for subsequent comparative and analytical chapters.

Chapter Three advances the deliberation on the historical development of administrative law, which consists of the origin of administrative law, the history of administrative law in Ancient Egypt, the history of administrative law in Ancient China according to its ancient mythology, administrative law in the Roman Era, the origin and development path of administrative law in Afghanistan, and the conclusion of the discussion of the entire chapter.

The fourth chapter examines legal principles, which are fundamental guidelines and ideas that form the framework of the legal system. Chapter Four discusses the principles of administrative law, divided into classic principles and modern principles. Classic principles are a combination of the principle of the rule of law, the principle of legality, and the constitutional rights principle. Modern principles, however, include legitimate expectations, principal reasonableness, relevant considerations, time limits, the principle of transparency, the principle of anti-abuse of power, the principle of neutrality in public life, the principle of equality, the principle of accountability, and the principle of meritocracy.

Chapter Four also discusses the principle of Afghanistan's government, which

scrutinises the base of the legal system in the country, either Sharia or positive law. The next discussion in Chapter Four is general principles of administrative law in Afghanistan, followed by dividing law into substantive law and procedural law, and the contrasts between substantive law and procedural law. The Afghanistan government framework and structure, in other words, the political division, is another discussion in this chapter. This discussion is in line with the second objective of this research, to propose a framework for combating administrative corruption in Afghanistan based on its existing legal system and culture.

Chapter Five begins with the corruption control frameworks in New Zealand and Singapore. This chapter continues to illustrate how these two countries raise awareness about the threats of contraception to businesses, individuals, and government officials. This chapter also explains the pillars of the anti-corruption frameworks of New Zealand and Singapore and denotes the similarities of their initiatives in combating administrative corruption. Next, this chapter highlights the most significant features of the anti-corruption frameworks of New Zealand and Singapore, which are the existence of a culture of zero tolerance against corruption and the adoption of a strong political will in controlling corruption. This commitment is reflected in rigorous enforcement mechanisms and comprehensive legislation that promote transparency and accountability. By fostering an environment where ethical behaviour is prioritised, both nations demonstrate that effective governance is essential in mitigating the detrimental effects of corruption on society. This chapter also illustrates how other nations can learn from New Zealand and Singapore to control corruption in their countries.

Chapter Six commences with an exploration of the fundamental pillar of an anti-administrative corruption framework for Afghanistan. It discusses how to implement this framework by connecting the two theories: the Fraud Triangle Theory and Faull's Management Theory. This chapter also serves to conclude the entire research while addressing potential avenues for future research aimed at combating administrative corruption in Afghanistan.

1.12 Conclusion

This chapter establishes a foundation for the research by contextualising the ongoing issue of administrative corruption in Afghanistan and emphasising the urgent need for an anti-corruption framework. The research background highlighted the deep

entrenchment of corruption within Afghan public administration, which undermines the efficacy of anti-corruption laws and erodes governance, economic development, and public trust in Afghanistan. Despite numerous laws, such as the 2004 Constitution, the Bribery and Administrative Corruption Act 2004, the Anti-Corruption Act 2018, the Whistleblower Protection Act 2018, and the Penal Code 2017, administrative corruption remains rampant. This situation highlights the disparity between established legal provisions and their actual enforcement. The discussion emphasised that political instability, weak institutional capacity, fragmented oversight mechanisms, and a lack of political will contribute to the ineffectiveness of anti-corruption measures in Afghanistan.

The chapter further articulated the problem statement, highlighting that although legal frameworks exist, they are compromised by weak enforcement, inadequate institutional independence, and limited accountability.

The research questions and objectives were outlined to direct the study in assessing the effectiveness of Afghanistan's anti-corruption laws, exploring strategies to enhance the rule of law, and drawing insights from comparative benchmarks in Singapore and New Zealand. These jurisdictions exemplify models of enforcement-driven and transparency-focused anti-corruption systems, respectively, and provide valuable insights into best practices that could inform a context-specific anti-corruption framework for Afghanistan.

The methodology section elucidated that this research uses a doctrinal, library-based approach, depending on primary legal texts, legislation, and institutional documents as fundamental primary data.

Comparative legal analysis and thematic analysis are employed to identify recurring themes, including transparency, accountability, institutional independence, ethical leadership, enforcement effectiveness, and whistleblower protection. This methodology enables the research to develop a normative and conceptual framework, even without the availability of empirical field data.

The chapter also addressed the limitations of the study, including the inability to conduct interviews due to insecurity, reliance on a single research method, language barriers arising from laws being primarily in Dari, time constraints, limited access to official documentation, and the contextual differences between Afghanistan and the benchmark countries. These limitations were mitigated through systematic collection and thematic classification of source legal documents, international treaties, and

comparative frameworks. The literature review emphasised that, although there is extensive global scholarship on anti-corruption, research specifically on Afghanistan's legal and institutional frameworks remains limited and fragmented. This gap underscores the need for doctrinal and comparative analysis to reveal structural, legal, and thematic insights.

Finally, the chapter outlined the structure of the research, positioning the following chapters within a clear analytical path that moves from the conceptual and legal frameworks to comparative analysis, ending with the development of a proposed anti-corruption framework specifically tailored for Afghanistan.

In summary, Chapter One laid a solid foundation for the study by defining the context, explaining the research problem, justifying the methodology, acknowledging limitations, and placing the research within the current literature. With these foundations in place, the thesis now progresses to Chapter Two, which builds the conceptual and legal framework. This chapter explores the theoretical and doctrinal bases crucial for understanding and assessing Afghanistan's anti-corruption laws and institutional structures. The next chapter will also align the selected theories, including the Fraud Triangle Theory and Fayol's Management Theory, offering analytical tools for the upcoming thematic and comparative analysis.

CHAPTER 2
CONCEPTUAL AND LEGAL FRAMEWORK

2.1 Introduction

Administrative corruption in Afghanistan is a deeply entrenched and multifaceted issue that permeates the bureaucratic system, gradually but significantly undermining governance, public trust, and the efficient delivery of public services. Although the discourse on corruption predominantly emphasises elite-level scandals, a more insidious variant, termed ‘grand administrative corruption,’ persists at the bureaucratic level. This involves recurrent actions by civil servants that, while individually amounting to sums equivalent to a few months of a public servant’s salary, collectively result in significant fiscal loss and institutional dysfunction.

Such acts encompass the manipulation of payroll systems to incorporate ghost employees, irregularities in procurement processes, repetitive facilitation payments for standard administrative tasks, and nepotistic hiring practices that erode meritocracy. This chapter formulates a conceptual and legal framework for comprehending administrative corruption in Afghanistan, explicitly aligned with the study’s research objectives. It poses three critical research questions: What causes have led to the undermining of Afghanistan’s anti-administrative corruption laws? What approaches can diminish the rate of administrative corruption and potentially eradicate it in Afghanistan? And how can the rule of law be consolidated in Afghanistan? To address these questions, the chapter incorporates various dimensions, including a doctrinal analysis of Afghan anti-corruption laws, theoretical frameworks such as the Fraud Triangle Theory and Fayol’s Management Theory, empirical evidence derived from Afghan administrative systems, and comparative analyses of Singapore and New Zealand, two nations esteemed for their effective anti-corruption governance. A significant challenge addressed in this chapter is the disruption of Afghan governance institutions following 2021, leading to limited availability of data, constraints on media freedom, and decreased engagement from civil society. Despite these limitations, it is possible to identify structural, legal, and behavioural patterns of corruption through

documented cases, previous research, and established international best practices.[135] Comprehending these dynamics is crucial, not only for diagnosing institutional vulnerabilities but also for developing context-sensitive reforms and practical measures aimed at enhancing transparency, accountability, and ethical governance in Afghanistan. By adhering to this roadmap, the chapter establishes a thorough and multi-faceted foundation for the research. It integrates conceptual definitions, legal frameworks, theoretical insights, empirical evidence, and comparative analysis to inform effective strategies for addressing grand administrative corruption in Afghanistan.

2.2 Corruption

Corruption has been ingrained in human culture since ancient times and remains a major issue worldwide.[136] This pervasive issue undermines trust in institutions, erodes public confidence, and obstructs economic growth. Tackling corruption necessitates a coordinated effort from governments, civil society, and individuals to foster transparency, accountability, and ethical behaviour across all sectors. According to Oxford Dictionaries, "corruption" is defined as dishonest or fraudulent activities carried out by those in positions of power, typically involving bribery.[137] However, the term "corruption" derives from the Latin word "corruptus," meaning "to break, bribe, or destroy".[138] Determining and analysing the meaning of this word presents a challenge. There is no precise definition, which has resulted in a challenge in which people understand it differently depending on their perspective. Usually, it is understood to refer to the use of public office for personal gain. While certain behaviours are universally condemned, defining corruption is a complex social and political process. According to the World Bank, corruption is defined as the abuse of public power for private gain,[139] which is the world's most widely used and basic form. Corruption can manifest in various forms, such as bribery, embezzlement, and nepotism, all of which

---

135 Rose-Ackerman, S., & Palifka, B. J. (2016). *Corruption and government: Causes, consequences, and reform*. Cambridge university press.

136 Tanzi, V. (1998). Corruption around the world: Causes, consequences, scope, and cures. *Staff papers, 45*(4), 559-594.

137 McLean, I., & McMillan, A. (2009). *The concise Oxford dictionary of politics*. OUP Oxford.

138 Kuru, D. (2022a). From Ancient Times to Modern World: Corruptus.

139 Shihata, I. F. (1997). Corruption: A general review with an emphasis on the role of the World Bank. *Journal of Financial Crime, 5*(1), 12-29.

erode public trust and undermine the integrity of institutions. Addressing corruption necessitates robust legal frameworks, transparent governance, and a steadfast commitment to ethical practices at all levels of society.

As previously noted, corruption is a longstanding phenomenon throughout human history, tracing back to its very beginnings. It has manifested in various forms across different cultures and civilisations, often undermining the foundations of governance and trust within society. Its enduring presence highlights the challenges of maintaining integrity and accountability in both the public and private sectors throughout time. It is by no means an impossible problem, considering the significant growth of the global economy in the 20th century.[140] Systemic corruption may seem deeply rooted and hard to eliminate, but it is not unstoppable. Overcoming these challenges often requires coordinated efforts from governments, civil society, and international organisations to carry out effective reforms and increase transparency. By fostering a culture of accountability and integrity, societies can gradually break down the systems that enable corruption to thrive.[141] Nonetheless, since corrupt activities are conducted in secret, it is challenging to determine the scope and magnitude of corruption worldwide. The first Egyptian dynasty, which ruled around 3100 BC to 2900 BC, was notorious for having a corrupt judiciary.[142] The metaphor of "loss of physical form", integrity, or moral virtue is associated with corruption.[143]

Moreover, the Greeks gave the word "corruption" various meanings.[144] The Greeks offered various interpretations of the word "corruption." According to their views, it also signifies the loss of physical form, integrity, or moral excellence; however, philosophers vary greatly in their conceptual frameworks. For instance, Aristophanes places emphasis on word corruption in relation to the necessity of language purity and criticises Socrates as corrupting the young. Nevertheless, the Greek historian Polybius1, "Greek historian from the Hellenistic period", defined corruption

---

140 Fund, I. M. (2000). The world economy in the twentieth century: Striking developments and policy lessons. *World Economic Outlook*, 149-180.

141 Jackson, D. (2022). Building anti-corruption resilience to combat entrenched corruption systems. *U4 Issue*.

142 García, J. C. M. (2013). The 'other'administration: Patronage, factions, and informal networks of power in ancient Egypt. In *Ancient Egyptian Administration* (pp. 1029-1065). Brill.

143 Kuru, D. (2022b). Perspective Chapter: From Ancient Times to Modern World–Corruptus. In *Corruption-New Insights*. IntechOpen.

144 Rotaru, C., Bodislav, D.-A., & Georgescu, R. (2016). A review of corruption based on the social and economic evolution of Ancient Greece and Ancient Rome. *Theoretical & Applied Economics, 23*(2).

as the inevitable change from one system of governance to another.[145]

For instance, in the Clouds, Aristophanes satirises Socrates as a corrupt influence on Athenian youth, emphasising his use of language to subvert traditional values and societal norms. Aristophanes presents Socrates as a Sophist who manipulates language to rationalise questionable actions, such as a son beating his father.[146] In contrast, the Greek historian Polybius, a figure from the Hellenistic period, characterised corruption as the inevitable transition from one system of governance to another. Polybius argued that this transition often led to instability and chaos, as societies grappled with the complexities of new political structures. He believed that understanding these shifts was crucial for comprehending the rise and fall of civilisations throughout history.

Jean-Jacques Rousseau, one of the most influential intellectuals in eighteenth-century Europe, fervently criticised political, social, and economic inequality; disapproved of governing regimes that claimed to represent democracy; and questioned the authority of science or philosophy as a basis for morality, all of which continue to resonate throughout the Enlightenment period.[147] As Rousseau once noted, the people are the source of the national public's legitimacy. The government practices sovereignty. The populace's confidence gives it power. Corruption occurs when public power is misused and diverges from its intended course. The phrase "the abuse of public office for private benefit" fits the definition. Rousseau's illustration depicts a corrupt man who is not only unjust; he also frequently acts from inappropriate motives. He is also dissatisfied with himself; he tries to pretend otherwise to defraud himself as to his true condition, which illustrates one of the fraud triangle elements (rationalisation).[148]

Furthermore, from a basic point of view, corruption is defined as the misuse of entrusted power for private gain. Broadly, corruption is the abuse of public power by elected politicians or appointed public servants in order to gain personal interests.[149] This definition points to not only the politicians and civil servants but also the chief executive officer (CEO) and chief financial officer of a company that manages public

---

145 Fahed-Sreih, J. (2023). *Corruption: New Insights*. BoD–Books on Demand.

146 Millett, P. (2005). The trial of Socrates revisited. *European Review of History: Revue européenne d'histoire, 12*(1), 23-62.

147 Liu, X. (2016). A literature review on the definition of corruption and factors affecting the risk of corruption. *Open Journal of Social Sciences, 4*(6), 171-177.

148 Bertram, C. (2010). Jean Jacques Rousseau.

149 Jin-Wei, S. (1999). Corruption in Economic Development. The World Bank. *Development Research Group*.

affairs, the team leader, the admission officer to a private education centre, or the administrator to a private hospital; the coach of a sports team can be involved in corrupt activities. Such individuals wield significant influence over their respective domains, making them susceptible to ethical dilemmas and potential misconduct. Ensuring transparency and accountability within these roles is crucial to maintaining public trust and integrity in various sectors.

In addition, corruption weakens democracy, undermines trust between citizens and the government, stifles economic growth, and worsens poverty, social inequalities, and environmental crises. Corruption has become widespread and exists around the world today. Its extent depends on the government's dedication to fighting it. The impacts of widespread corruption are extensive, affecting not just the economy but also the social fabric of nations. Without a strong plan to tackle these issues, the cycle of inequality and mistrust is likely to persist, hindering progress and stability for future generations. However, in Afghanistan, there are several government agencies tasked with preventing corruption, but it remains widespread across the country. Numerous studies have been conducted on corruption in Afghanistan by various NGOs and government organisations. These studies highlight the severity of corruption, which has created many challenges for Afghan lives in recent years. As mentioned in the research background, Afghanistan was ranked 165th out of 180 countries with a score of 17 on the CPI investigation in 2024. TI reported, "According to citizens, corruption in Afghanistan is the third biggest problem, alongside insecurity and unemployment, which impedes progress and development."[150]

Additionally, corruption arises in a society for a variety of reasons. These can include a lack of transparency in governance, weak legal frameworks, and a culture that tolerates unethical behaviour. Addressing these issues requires a concerted effort to promote accountability and strengthen institutions. Consequently, the ensuing discussion will concentrate on the prevalent causes of corruption as seen from the perspective of Afghanistan.

---

[150] Wilson, H. (2025). *Fraud in Afghanistan: Analysis of Internal Control Failures* Acquisition Research Program].

2.2.1 Defining Administrative Corruption

Administrative corruption involves the misuse of bureaucratic authority to obtain personal or group advantages, often detracting from public interest, institutional integrity, and social equity.[151] Unlike petty corruption, which involves minor bribes for routine services, or elite corruption, characterised by high-level state capture, administrative corruption occurs within the daily operations of government institutions, affecting both citizens and mid-level public servants. The nature of administrative corruption is often subtle, characterised by the manipulation of internal processes, documentation, and discretionary decision-making. These actions collectively contribute to systemic inefficiencies and undermine public trust in governance. In Afghanistan, administrative corruption often manifests as payroll fraud, notably through the presence of ghost employees within the security sector.[152] This also includes procurement manipulation, characterised by inflated contracts and favouritism, as well as repeated facilitation payments for approvals.

Moreover, nepotistic practices in hiring and promotions further exacerbate the issue. While the monetary value of each act may seem modest, the overall impact is significant, diverting public funds, undermining service delivery, and diminishing citizens' trust in government institutions. Such corruption is not merely a breach of the law; it represents a structural problem embedded within administrative systems, organisational cultures, and social norms.

2.2.2 Legal Definitions and Afghan Relevance

Afghan legislation establishes a comprehensive framework for defining and prosecuting administrative corruption. The Constitution of Afghanistan 2004 enshrines the principles of transparency, accountability, and integrity within public service.

Moreover, the Bribery and Administrative Corruption Act 2004 criminalises the misuse of office, nepotism, and bribery. The Penal Code of 2017 codifies various

---

151 Kurer, O. (2005). Corruption: An alternative approach to its definition and measurement. *Political Studies, 53*(1), 222-239.

152 Kubbe, I., Hogic, N., & Siegel, J. (2025). *" The Ghost Soldier Trap": How Corruption Undermines Security and Stability*.

offences, including embezzlement, fraud, and abuse of power.[153]

Furthermore, both the Anti-Corruption Act of 2018 and the Whistleblower Protection Act of 2018 are designed to enhance oversight mechanisms, encourage the reporting of misconduct, and safeguard informants against retaliation. However, Article 21 of the Anti-Corruption Act of 2018 contains ambiguity regarding the ability of the anti-corruption commission to receive funding from national and international organisations.

In addition, the Law on Supervision of Implementation of the Anti-Corruption Strategy establishes mechanisms for monitoring and coordinating institutional efforts.[154] Nonetheless, despite this comprehensive legal framework, enforcement remains inconsistent. Factors such as political interference, weak institutional capacity, fragmented mandates, and the disruptions following 2021 have significantly limited the practical application of these laws. This disparity between legal provisions and the realities experienced by individuals highlights the need to incorporate behavioural and managerial perspectives, in addition to doctrinal analysis, to gain a comprehensive understanding of the ongoing issue of corruption in Afghanistan.

2.2.3 Forms of Administrative Corruption

Administrative corruption manifests in various forms, ranging from minor manipulations to persistent fraudulent activities that together constitute grand administrative corruption. These forms include:[155]

a) Payroll Fraud and Ghost Employees: The systematic inclusion of non-existent employees in payrolls diverts significant public resources. For instance, audits conducted on Afghan provincial security forces have revealed the embezzlement of hundreds to thousands of ghost personnel's salaries by corrupt officials.
b) Procurement irregularities encompass various unethical practices, including inflated contracts, preferential treatment in awarding tenders,

---

153 Nezaami, N. (2023). Politics Before Law: The Penal Code of 2017 In *Criminal Legalities and Minorities in the Global South: Rights and Resistance in a Decolonial World* (pp. 43-62). Springer.

154 Mokhtarzadeh, K., & Modaber, A. A. (2022). Developing Exploratory Model for Anticorruption Policy Making in Afghanistan.

155 Tefurukwa, O. W. (2021). Managing Ghost Workers Fraud on Payroll in Tanzania: A Conceptual Framework. *International Journal of Governance and Public Policy Analysis, 3*(01).

collusion with suppliers, and the manipulation of procurement documentation. These actions undermine fair competition and ultimately result in substandard service delivery.

c) Facilitation Payments: Routine bribes demanded for approvals, licences, or administrative certifications may seem minor on an individual basis, yet their cumulative effect fosters a widespread culture of corruption.
d) Nepotism and favouritism manifest in hiring, promotion, and resource allocation that prioritise personal connections over merit. This practice not only perpetuates institutional inefficiency but also diminishes the morale of honest public servants.[156]

2.2.4 Grand Administrative Corruption

This research defines grand administrative corruption as recurring actions by bureaucrats, which may individually amount to sums equivalent to several months of a public servant's salary yet occur systematically across various institutions. The impact of such practices is disproportionate to the value of individual transactions due to several key factors, including:

a) They diminish the quality and reliability of public services.
b) They undermine fiscal integrity and lead to the misallocation of public resources.
c) They weaken institutional legitimacy and erode public trust.
d) They facilitate further misconduct by normalising corrupt practices.

For example, the prevalence of ghost employees within provincial police forces exemplifies how ongoing bureaucratic corruption, even in seemingly small amounts, can deplete substantial portions of government budgets and jeopardise operational readiness.[157]

---

156 Habaza, H. S. S., Hagras, H. R., Elsabahy, H. E., Saleh, M. S. M., Dailah, H. G., Hendy, A., & Shobaili, H. A. (2025). Authority, favoritism, and fairness: how paternalistic leadership and nepotism shape nurses' perceptions of justice. *BMC nursing, 24*(1), 1348.

157 Mohseni, M. (2022). *Why did the US-Led Afghanistan Reconstruction fail?* Central European University].

2.2.5 Corruption Determinants

Corruption is a complicated issue with a range of causes and effects. It undermines trust in institutions and can lead to significant socio-economic disparities. Addressing it requires a multifaceted approach that includes enhancing transparency, promoting accountability, and fostering a culture of integrity.[158]It is also considered the primary cause of poverty in developing countries.[159]The demoralisation of citizens results in a diminished trust in state institutions. If corruption is permitted to proliferate, it undermines political legitimacy. Additionally, it results in the uneven distribution of public asset funds among various social classes, with the lower class frequently bearing the brunt of corruption's consequences.[160]

Moreover, uncontrolled corruption undermines the credibility of democratic institutions and erodes the capability of the government.

The most evident consequences of corruption include inadequate services, heightened social polarisation (such as the widening of the social gap), reduced investment, and exclusion.[161]Corruption poses a significant threat in numerous countries worldwide. Various empirical studies examine its causes and consequences. Since the results are mixed, this part of the research highlights Enste and Heldman's findings on the causes of corruption: the size and structure of government, democracy and political systems, the quality of institutions, economic freedom, salaries of civil servants, press freedom and the judiciary, cultural factors, the percentage of women in the workforce and parliament, colonial heritage, and natural resource endowments can influence the corruption rate.[162] Likewise, Dong and Torgler explored the causes of corruption in China and found that anti-corruption efforts, media access, education, and women's representation in government can help lessen the level of corruption.[163]

---

158 Myint, U. (2000). Corruption: Causes, consequences and cures. *Asia pacific development journal, 7*(2), 33-58.

159 Khan, M., Khan, N., & Ahmed, S. (2012). Connotation of corruption: Causes and effects. *Universal Journal of Management and Social Sciences, 2*(6), 36-50.

160 Gupta, S., Davoodi, H., & Alonso-Terme, R. (2002). Does corruption affect income inequality and poverty? *Economics of governance, 3*, 23-45.

161 Khan, M., Khan, N., & Ahmed, S. (2012). Connotation of corruption: Causes and effects. *Universal Journal of Management and Social Sciences, 2*(6), 36-50.

162 Enste, D., & Heldman, C. (2017). Causes and consequences of corruption: An overview of empirical results.

163 Dong, B., & Torgler, B. (2013). Causes of corruption: Evidence from China. *China Economic Review, 26*, 152-169.

Toke Aidt emphasises how corruption continues to exist in all societies and eras of history: "Corruption is a persistent feature of human societies over time and space."[164] Essentially, corruption varies based on its types; administrative corruption is one of the sets of corruption that undermines government efficiency, is a hurdle to investment, and creates many difficulties in the way of economic growth and development, particularly in developing countries. Administrative corruption, from a wider perspective, is influenced by the phenomenon of the social, cultural, and political system.

For instance, factors such as insecurity, high unemployment rates, the undue influence of traditional relationships among individuals, and a frail political system significantly impact the prevalence of administrative corruption. Consequently, the most prevalent causes of corruption are as follows:

2.2.5.1 Low Press Freedom

Low press freedom describes circumstances in which press freedom is severely curtailed or non-existent, which frequently results in self-censorship, censorship, and the silencing of dissenting opinions. This may lead to a degraded democratic atmosphere, less government accountability, and restricted access to information.[165] Such an environment not only stifles public discourse but also undermines the fundamental principles of democracy. As a result, citizens may become increasingly disengaged from the political process, further entrenching authoritarian practices and limiting societal progress. After adjusting for the variables, empirical research shows a strong correlation between increased press freedom and decreased corruption.[166] Only in countries that enjoy press freedom does the rule of law undermine corruption.[167] Democracy and press freedom are complements rather than substitutes in combating corruption. Dutta and Roy emphasise the complementary role of media reach in

---

164 Aidt, T. S. (2011). The causes of corruption. *CESifo DICE Report, 9*(2), 15-19.

165 House, F. (2014). Media Freedom Hits a Decade Low. *Washington, DC: Freedom House. URL: https://freedomhouse. org/report/freedom-press/2014/media-freedom-hits-decade-low. Date of application, 10*, 2024.

166 Hamada, B. I., Abdel-Salam, A.-S. G., & Elkilany, E. A. (2019). Press freedom and corruption: An examination of the relationship. *Global Media and Communication, 15*(3), 303-321.

167 Ahrend, R. (2002). Press freedom, human capital and corruption. *DELTA working paper*(2002-11).

expanding the impact of press freedom on reducing corruption.[168] Based on their finding, press freedom by itself reduces corruption, even with a lower media reach in some countries. As media reach expands, the beneficial impact of press freedom on reducing corruption becomes even more pronounced.

Moreover, theoretically, it has been suggested that press freedom contributes to the spread of anticorruption standards by raising the social penalty of being publicly chastised for corrupt behaviour. And civil engagement in the form of democracy can help combat corruption since regular elections allow the people to vote out corrupt politicians.[169] On the other hand, limited press freedom is identified as a significant factor contributing to corruption globally, and it is frequently cited as a primary reason for the rise in corrupt practices. Freedom of the press is commonly considered an important human right and a powerful control against government malfeasance. Furthermore, independent presses are one of the most effective ways to uncover trespassing government officials, as any independent journalist has a strong incentive to investigate and uncover stories of wrongdoing and attempt to disseminate the information to the masses. Typically, nations with a free press should experience lower levels of corruption compared to those where a free press is absent.[170]

Afghanistan is a growing country; the phenomenal growth of the media in this country has been one of the most significant achievements of the post-2001 reconstruction effort. From having only a few print publications and virtually no broadcast outlets in 2001, Afghanistan now boasts hundreds of newspapers, television and radio stations, as well as web-based media outlets. The media play a significant role in public life in Afghanistan, facilitating debate and shaping public opinion, particularly during the 2014 presidential election.[171] However, with most foreign military forces withdrawing from Afghanistan since 2014 and a significant reduction in foreign donor assistance to the country, the freedom that fostered the media's growth is now at risk. Journalists and media outlets face increasing pressure from both government authorities and extremist groups, leading to a climate of fear that threatens

---

168 Dutta, N., & Roy, S. (2016). The interactive impact of press freedom and media reach on corruption. *Economic Modelling, 58*, 227-236.

169 Bhattacharyya, S. (2015). Media freedom and democracy in the fight against corruption. *European Journal Of Political Economy,* 39(6), : 13–24. https://doi.org/10.1111/twec.12197.

170 Daniels, D. (2011) Freedom of the Media as Freedom from Corruption. *Florida State University Libraries,* 2(1), pp.15-17.

171 Ghorzang, S. (2020). History of freedom of the press and current barriers in Afghanistan. *International Journal of Advanced Mass Communication and Journalism, 1*(2), 11-14.

the independence of the press. Without adequate support and protection, the gains made recently may be quickly eroded, hindering the crucial role of media in promoting transparency and accountability.

The Afghan journalists argue that the freedom of the press may be in a "downward spiral" with increasing intimidation and violence from both state and non-state actors, lack of government protection, and waning international support. When the government neglects to uphold press freedom and fails to investigate and prosecute threats and attacks against media workers, journalists are consequently unable to expose stories of wrongdoing in the country, leading to an automatic increase in corruption. [172] However, the media has grown and established new outlets during the post-Taliban regime; it has faced challenges since the Taliban's restoration to power in 2021. The current situation indicates that numerous outlets are vanishing, journalists are facing restrictions, and self-censorship has become more pronounced.[173] Hence, low press freedom is one of the common causes that contribute to increasing corruption worldwide, particularly in developing countries.

2.2.5.2 Economic Factors

Low salaries in the public sector could drive public servants to engage in corrupt practices to enhance their income. Enhance their income, leading to a cycle of unethical behaviour that undermines public trust in government institutions. This not only jeopardises the integrity of public service but also exacerbates the challenges faced by those who genuinely strive to serve the community.[174] Corrupt practices can also be facilitated by excessive bureaucracy and ineffective administrative structures.[175] Several studies show a complicated and frequently negative relationship between corruption and economic factors. Higher degrees of corruption are generally linked to slower growth and other economic factors, whereas lower levels are generally linked to higher economic growth. Through the diversion of resources, the creation of an unfair

---

172 Betz, M., & Beighley, P. (2020). Fear, trauma and local journalists. *Journalist safety and self-censorship*, 148-163.

173 Crawley, H., & Kaytaz, E. S. (2022). Between a rock and a hard place: Afghan migration to Europe from Iran. *Social Inclusion, 10*(3), 4-14.

174 Lindner, S. (2013). Salary top-ups and their impact on corruption. *U4 Expert Answer, 398*.

175 Tanzi, V. (1998). Corruption around the world: Causes, consequences, scope, and cures. *Staff papers, 45*(4), 559-594.

business environment, and a weakening of the rule of law, corruption can impede economic development.[176] However, inflation can foster corruption, while economic growth, freedom, and openness to trade can help mitigate it.[177] Yılmaz Ata similarly illustrated that important factors influencing corruption include economic growth, inflation, economic freedom, and income distribution.[178] The use of public power for private purposes, commonly known as corruption, is a complex concept. Its roots are deeply embedded in a country's political, legal, social, cultural, and economic frameworks. Corruption threatens security, diminishes trust, and undermines public confidence in governance, ultimately impacting individuals' everyday lives.

Moreover, Economic factors underpin the occurrence of administrative corruption, with both poverty and wealth serving as significant determinants. Poverty and inadequate livelihoods can drive employees to resort to administrative corruption to meet their basic needs. On the other hand, the greed and extravagance of others may also cause the spread of these crimes in many cases, because to maintain their wealth and not lose their economic and investment contracts or projects, they are willing to spend large sums of money illegally and use illegitimate methods such as using influence, offering gifts and bribes, and forging documents to protect their gains and achievements in any way possible and expand their existing capital. This creates a vicious cycle where corruption begets more corruption, as those who benefit from such illicit activities often feel compelled to continue down this path to safeguard their interests. Consequently, the integrity of financial systems and institutions is compromised, leading to a decline in public trust and weakening the foundations of legitimate business practices.

Furthermore, in periods of economic expansion, as Gross Domestic Product (GDP) per capita increases, corruption tends to decline.[179] Nonetheless, in a period of high inflation, the uneven distribution of income leads to an increase in corruption. [180]

---

176 Alamro, H. (2024). The effect of corruption on public debt sustainability: Evidence from the European Union's countries [Special issue]. *Journal of Governance & Regulation, 13*(1), 333-340.

177 Al-Jundi, S. A., Shuhaiber, A., & Al-Emara, S. S. (2019). The effect of culture and organisational culture on administrative corruption. *International Journal of Economics and Business Research, 18*(4), 436-451.

178 Ylmaz Ata, A., & Arvas, M. A. (2011). Determinants of economic corruption: a cross-country data analysis. *International Journal of Business and Social Science, 2*(13).

179 Gründler, K., & Potrafke, N. (2019). Corruption and economic growth: New empirical evidence. *European Journal of Political Economy, 60*, 101810.

180 Gertz, K. A., & Volkema, R. J. (2001). Culture, perceived corruption, and economics. *Business and Society, 40*(1).

In addition, administrative corruption arises within government departments and other organisations that deliver public services. An organisation is vulnerable to corruption when there are discrepancies in salaries and benefits for employees occupying the same positions and carrying the same responsibilities.[181] This disparity can lead to dissatisfaction and a sense of injustice among employees, which may, in turn, encourage unethical behaviour as individuals seek to compensate for perceived inequities.

Consequently, addressing salary discrepancies and ensuring equitable benefits is essential for fostering a transparent and accountable organisational culture. Likewise, economic freedom is essential for every organisation. The ability to decide how to produce, sell, and utilise the organisation's resources is theoretically linked to a lower level of corruption. Dependency on imports and economic factors are two major causes of corruption. When there is less economic dependency and a reduction in economic control, such as permit requirements, the likelihood of corrupt behaviours that are often perceived as necessary for conducting business diminishes. This reduction in bureaucratic obstacles allows for a more transparent and efficient business environment, fostering integrity and trust among stakeholders. Consequently, as the barriers to entry decrease, businesses can operate more freely, further diminishing the opportunities for corrupt practices to take root. Businesses and individuals have less incentive to participate in corruption when entrance obstacles are removed and economic freedom is increased.[182] From an economic standpoint, poverty, in addition to a constrained economy, is another factor contributing to the rise in corruption. Corruption tends to increase alongside the levels of poverty.[183] Less affluent countries struggle to allocate the essential resources needed to establish an effective legal system. This often results in inadequate access to justice for their citizens, hindering the enforcement of laws and the protection of rights. Hence, the absence of a comprehensive legal framework can sustain cycles of poverty and inequality within these societies.

---

181 Hudson, S., González-Gómez, H. V., & Claasen, C. (2022). Societal inequality, corruption and relation-based inequality in organizations. *Journal of Business Ethics*, 1-21.

182 Kaufmann, D. (2015). Corruption matters. *Finance & Development, 52*(3), 20-23.

183 Gupta, S., Davoodi, H., & Alonso-Terme, R. (2002). Does corruption affect income inequality and poverty? *Economics of governance, 3*, 23-45.

Additionally, as Justesen and Bjornskov illustrated in "Bureaucratic Corruption and Poverty in Africa," the primary reason individuals pay bribes is to gain access to essential social services, such as water, education, licenses, and permits, which are monopolised by the government; this is regarded as the strongest motivation for breaking the law.[184] Accessing basic public services often compels citizens to pay bribes in countries that rank lowest in terms of corruption. In Afghanistan, various surveys have been conducted to assess citizens' perceptions of corruption and their experiences with bribery in the past decades. According to a survey in 2018, 90% of participants argued that corruption is a problem in their daily lives, the highest percentage reported in a decade, with 60% saying it is a major problem. Helmand (85%) and Kabul (81%) were the two cities where the highest proportion of residents said that corruption is a major problem in their daily lives. Another survey also shows that the frequency of bribes paid to officials was highest in the municipalities (66%) and the judiciary and courts (63%).[185] The UNODC, meanwhile, conducted research in 2019, which found that the people in Afghanistan paid a total of US$3.9 billion in bribes to obtain public services, an increase of 40% compared to 2016. Of those bribes, 52% were paid to civil servants and the police. This survey shows that corruption was slightly higher in rural areas (51%) than in urban areas. (48%) of those bribes, 85% paid to officials were requested by them, while 13% of the bribes received were offered by citizens. The bribes were in the form of cash money (69%), valuable things like luxury cars (13%), invitations to food (11%), and another 8% in other forms.[186] For the majority of the Afghan population, administrative corruption has remained a persistent issue, as it limits and distorts their right to access basic public services, hinders their chances of economic development, and erodes their trust in government, justice, and the rule of law. Thus, the delivery of public services remains severely affected by bribery in the country, and access to state resources and services is now determined by citizens' ability to pay bribes.[187] While petty and bureaucratic corruption is undeniably prevalent in

---

184 Justesen, M. K., & Bjørnskov, C. (2014). Exploiting the poor: Bureaucratic corruption and poverty in Africa. *World Development, 58*, 106-115.

185 McClean, H. (2018) Failure of the Current Anti-Corruption Strategy in Afghanistan. *SSRN Electronic Journal*, 13(5), p.23.

186 Wardak, M. M. (2019). Patronage and political corruption in Afghanistan since 2001. *Available at SSRN 3421166*.

187 Kabuli, S. (2014) "National Corruption Survey. *Public Integrity*, 16(3), pp.265-284.

Afghanistan, the consequences of large-scale corruption are equally harmful.[188] It undermines public trust in institutions and hampers economic development, perpetuating a cycle of poverty and instability. Addressing these issues requires comprehensive reforms and a commitment to transparency at all levels of government.

2.2.5.3 Moral Factors

Ethical factors are viewed as the primary influences behind administrative corruption. Addressing these factors necessitates a thorough approach, which encompasses fostering transparency, promoting accountability, and cultivating a robust ethical culture within organisations. It is only by recognising and confronting the underlying ethical issues that we can aspire to reduce the risk of corruption and strengthen the integrity of administrative processes.[189] The moral drivers of corruption encompass institutional factors, social norms, and personal beliefs that influence an individual's propensity for engaging in corrupt behaviours. These drivers include aspects of moral development, the extent to which corruption is perceived as acceptable, and the robustness of both personal and societal norms related to moral conduct.[190]

Islamic scholars maintain that prior to recognising their responsibility and accountability to higher authorities, Muslim employees first acknowledge their accountability to Allah Almighty. This sense of responsibility extends beyond their professional duties to encompass all aspects of life. They perceive Allah Almighty as ever-present and watchful, instilling in them a sense of fear and reverence.[191] Therefore, having faith and piety and adhering to the rules of the revealed religion of Islam is the greatest and most effective factor in preventing administrative corruption and its spread, because piety is a strong intrinsic and internal factor that prevents a person from committing sins and corruption. In this regard, the closer individuals get to Allah

---

188 Barakat, S., & Ponzio, R. (2022). A Step-by-Step Roadmap for Action on Afghanistan. *CHS-Stimson Center Policy Brief. https://chs-doha. org/en/Publications/Documents/CHS-Stimson-% 20Policy% 20Brief*.

189 Huberts, L., & van Montfort, A. (2021). Ethics, corruption, and integrity of governance: What it is and what helps. In *Oxford Research Encyclopedia of Politics*.

190 Kassa, S. (2023). Behavioural influences on attitudes towards petty corruption. *Basel: Basel Institute of Governance*.

191 Alazzabi, W. Y. E., Mustafa, H., & Abdul Latiff, A. R. (2020). Corruption and control from the perspective of Islam. *Journal of Financial Crime, 27*(2), 355-368.

Almighty, the more he controls their desires. However, the more they distance themselves from Allah Almighty and follow their desires, the easier it becomes for them to commit sins and crimes.

Moreover, Islamic scholars contend that the loss of faith is one of the factors contributing to corrupt behaviour and argue that early moral education is crucial for developing inner self-control. Moral renewal serves as a powerful element that maintains people's motivation and prevents them from engaging in corruption.[192] Hence, weaknesses of faith, lack of piety, and failure to observe the rules of the Islamic religion, such as refraining from acquiring forbidden property, taking others' rights, and prioritising personal interests over public interests, are all factors that contribute to the spread of administrative corruption.

2.2.5.4 Political Factors

A poor political climate in a country can significantly contribute to the rise of administrative corruption.[193] Violations of the law, neglect of law enforcement, and support for lawbreakers driven by political, partisan, and expedient motives create the foundation for administrative corruption to grow. According to studies, the following are some of the key political factors that may promote administrative corruption in a country:[194]

1) The monopoly of political power by a group of individuals who use their abilities to support their goals and positions and who rotate from one position to another for many years in the axis of high-ranking government positions not only prevents the influence of competent, intelligent, knowledgeable, experienced, and sincere individuals in the government structure but also, as this group continues to maintain its power, a vast network of their relatives, friends, and supporters also takes root in the system, and thus corruption becomes more widespread.

---

192 *Ibid*.

193 Koeswayo, P. S., Handoyo, S., & Abdul Hasyir, D. (2024). Investigating the relationship between public governance and the corruption perception index. *Cogent Social Sciences, 10*(1), 2342513.

194 Al-Jundi, S., Shuhaiber, A., & Al-Emara, S. S. (2022). The effect of political instability and institutional weakness on administrative corruption. *Contemporary Economics, 16*(2), 168-181.

2) Lack of will in implementing the law and compromise with perpetrators of administrative corruption, from the initial stages of discovery to trial and even during the implementation of punishment, is another important factor that undermines the political will of the system towards the rule of law and wipes the fear of pursuing justice and judicial proceedings from the minds of the corrupt, and consequently, corruption becomes more widespread.[195]
3) The weakness of institutions that oversee government performance and the lack of will to hold people accountable are among the political factors that pave the way for administrative corruption. Parliament is the highest institution in any country that oversees government actions. Factors that create a weak parliament unable to properly oversee government actions include a lack of transparency in the parliamentary election process, which allows individuals who have committed administrative corruption to enter parliament. Moreover, the insufficient skills possessed by members of parliament contribute to inadequate oversight of government actions. This issue is compounded by the presence of ethnic, political, partisan, and opportunistic tendencies among these members, which foster a tolerance towards government officials based on these biases. Some members of parliament, particularly appointed members, are influenced by high-ranking government officials who overlook the shortcomings and violations of these officials. In some cases, they also support these officials and hinder the interrogation and impeachment of those government officials.

2.2.5.5 Institutional Factors

The most important administrative factors that cause the prevalence of administrative corruption in an office are, initially, a lack of balance between workload and the number of employees. When a government agency has a large workforce but a low workload, this imbalance leads to both obvious and covert unemployment, undermines work discipline, and harms the provision of public services.[196]

---

195 Menzel, A. (2020). The pressures of getting it right: Expertise and victims' voices in the work of the Sierra Leone Truth and Reconciliation Commission (TRC). *International Journal of Transitional Justice, 14*(2), 300-319.

196 MEZALUNA, M., JURANA, J., PATTAWE, A., & LATIFA, L. (2024). The Effect of Work-Life Balance and Workload on Employee Performance. *International Journal of Environmental, Sustainability, and Social Science, 5*(5), 1299-1310.

Moreover, extended and intricate procedures represent another institutional factor that may contribute to administrative corruption. Lengthy and complicated administrative processes within an office, such as referring clients to various branches, requiring numerous signatures on petitions, and unnecessary delays, can create a fertile ground for the proliferation of administrative corruption. It is because, on the one hand, clients, to avoid these long, time-consuming, and tiring procedures, are willing to speed up their work through illegal means and bribes, and on the other hand, administrative employees can take advantage of this situation and perform procedures that would take. For instance, in exchange for a bribe, three days are combined into one day, whilst others who have not paid a bribe find that their task takes longer.

Furthermore, the concentration of competencies at the centre is one of the institutional drivers of administrative corruption.[197] It is argued that whenever power is centralised in a country, and higher authorities fail to involve lower authorities in the decision-making process, the latter find themselves compelled to implement orders that may not align with the existing conditions and circumstances.[198] In these situations, the ground for corruption will be prepared in both the higher and lower authorities.

In addition, disregard for hierarchy is the third institutional factor that may cause corruption in a department.[199] It is contended that when an organisation fails to adhere to its administrative hierarchy and receives guidance directly from the presidency, the prime minister, or another high-ranking official, it opens the door to corruption and causes delays in the application of the law in operations where the hierarchy is not followed.[200]

Additionally, noncompliance with attendance is the fourth factor that may cause corruption in a department. Studies show that whenever employees follow attendance, their absence or delay in attendance causes delays in the performance of the people's affairs, and if they do not have the opportunity to follow the procedure, they want their work to be done by any means, even if it is through bribery. The next institutional factor

---

197 Bhambhri, C. (1978). Centralisation and Accountability. *Indian Journal of Public Administration, 24*(3), 733-742.

198 Flèche, S. (2015). Distaste for centralization: evidence from a quasi-natural experiment in Switzerland.

199 Lynn, L. E. (2011). The persistence of hierarchy. *The SAGE handbook of governance*, 218-236.

200 Saiti, A., & Stefou, T. (2020). Hierarchical organizational structure and leadership. In *Oxford Research Encyclopedia of Education*.

of administrative corruption is unpunctuality.[201] Lack of job security is also considered one of the institutional factors of administrative corruption.[202] Although not formally recognised as a fundamental right like freedom of speech, job security is an essential component of employment and is frequently associated with fundamental rights within the framework of employment law.[203] When an employee is uncertain about their future and fears termination or transfer, this situation leads them to consider opportunism and egregious misuse of their position; they may attempt to collect large sums of money from clients and pay a portion of it to the authorities who have the power to terminate or transfer them to prevent such actions. Economic deprivation is the subsequent institutional problem that may compel an employee to engage in administrative corruption.[204] According to the views of scholars and those who have theorised in this regard, the low wages of government employees are considered to be one of the major factors in the development of the scope of administrative corruption in a country because the imbalance between the basic needs of the employees and their salary causes them to be unable to provide for their own and their family's minimum subsistence.[205] Consequently, they feel compelled to seek ways to support themselves and their families by any means necessary. It is evident that they turn to illegitimate methods, such as accepting bribes, embezzling funds, or engaging in other unlawful activities, to bridge this gap.

2.2.5.6 Legislative Factors

Legislative factors that contribute to corruption include weak legal frameworks, a lack of transparency, insufficient enforcement, and the absence of robust anti-corruption laws. These legislative deficiencies create opportunities for corrupt practices to thrive, while a lack of accountability and oversight can encourage individuals to

---

201 Mortera-Martinez, C. (2021). How to fight corruption and uphold the rule of law. *Center for European Reform*.

202 Meza, O., Pérez-Chiqués, E., & Gofen, A. (2024). Street-level bureaucrats in environments of systemic corruption: sources of influence. In *Street-Level Bureaucracy in Weak State Institutions* (pp. 61-76). Policy Press.

203 Bouzid, B. N. (2016). Dynamic relationship between corruption and youth unemployment: empirical evidences from a system GMM approach. *World Bank Policy Research Working Paper*(7842).

204 Gorodnichenko, Y., & Peter, K. S. (2007). Public sector pay and corruption: Measuring bribery from micro data. *Journal of Public economics, 91*(5-6), 963-991.

205 Rijckeghem, C. V., Weder, B., Tanzi, V., & Wickham, P. (1997). Corruption and the rate of temptation: do low wages in the civil service cause corruption? *(No Title)*.

engage in corrupt behaviour.[206] The following are specific legislative factors of administrative corruption:

Initially, absence of laws pertaining to freedom of information. Monitoring government operations and holding those in authority accountable becomes challenging when information is unavailable or access to it is insufficient.[207]

Moreover, insufficient protection for whistleblowers of administrative corruption crimes is contended to be a legislative factor of administrative corruption. This lack of safeguards not only discourages potential whistleblowers from coming forward but also perpetuates a culture of silence and complicity within organisations. Strengthening legal protections could empower individuals to report wrongdoing without fear of retaliation, resulting in enhanced accountability and transparency.[208] The absence of legal safeguards for those who expose corruption deters reporting and allows corrupt activities to go unchecked.

Furthermore, inadequately designed procurement laws. Insufficient laws governing public procurement may lead to bribery, inflated costs, and rigged contracts.[209] In addition, ineffective public sector management, a lack of accountability, and strained ties between the government and the populace are all examples of weak governance that may promote corruption.

2.2.5.7 Financial and Budgetary Factors

Apart from economic considerations, various other elements can also contribute to the growth and proliferation of administrative corruption. These elements primarily pertain to financial issues, including procurement contracts, budget assessment and allocation, wholesale and retail purchases, as well as the evaluation and monitoring of imported and exported goods, among similar matters.[210] The budgetary and financial

---

206 Di Vita, G. (2021). Political corruption and legislative complexity: Two sides of same coin? *Structural Change and Economic Dynamics, 57*, 136-147.

207 Birkinshaw, P. (2010). *Freedom of information: The law, the practice and the ideal*. Cambridge University Press.

208 Onyango, G. (2021). Whistleblower protection in developing countries: a review of challenges and prospects. *SN Business & Economics, 1*(12), 169.

209 Roberts, K. M., & Smith, N. C. (2017). Design-build contracts under state and local procurement laws. *Pub. Cont. LJ, 25*, 645.

210 Isaksen, J. (2005). The budget process and corruption. *U4 Issue, 2005*(3).

factors are described as follows:

2.2.5.8 Weakness in Budget Planning and Implementation

It is argued that when government institutions with independent budgets fail to organise their budgets as required by the constitution, it can lay the groundwork for administrative corruption.[211] And during the early stages of budget planning, public funds may be manipulated and misallocated as part of corruption at the budget development stage.[212]

Moreover, due to the ease of money diversion when handling huge sums, budgets might allocate an excessive amount of funding to capital projects. The effectiveness and equity of resource allocations may be impacted by poor budget drafting that prioritises certain regions or areas for private gain. Another form of misallocation during budget formulation occurs when officials allocate excessive funds for the number of workers in the public sector, resulting in the phenomenon of "ghost workers".[213] This pertains to instances where the government inaccurately asserts a higher number of employees on the payroll than are employed. The occurrence of "ghost workers"[214] is another example of misallocation that happens during budget development when officials allot excessive cash for the number of employees in the public sector. This describes circumstances in which the government inflates the number of employees on the payroll relative to the real number of employees.[215]

More significantly, corruption in budget design affects financial priorities, undermining the quality and accessibility of public services. Corruption during budget implementation can cause delays or diversion of funds, affecting both the quality and quantity of spending. The lack of transparency and accountability throughout the budget process undermines public trust in the government's ability to deliver public services. When people believe that budgetary resources are being misused or

---

211 Dorotinsky, W., & Pradhan, S. (2007). Exploring corruption in public financial management. *The many faces of corruption: Tracking vulnerabilities at the sector level*.

212 Mantzaris, E. (2014). Municipal financial management to fight corruption and enhance development. *African Journal of Public Affairs, 7*(2), 80-92.

213 Mbuh, P. E., Nchang, N. D., NdiIsoh, A. V., & Adenuga, K. I. (2020a). Employee fraud: an empirical review of ghost workers. *Int. J. Innov. Res. Adv. Stud, 7*, 119-125.

214 Mbuh, P. E., Nchang, N. D., NdiIsoh, A. V., & Adenuga, K. I. (2020b). Employee fraud: an empirical review of ghost workers. *International Journal of Innovative Research and Advanced Studies (IJIRAS), 7*(3), 119-125.

215 Isaksen, J. (2019). The budget process and corruption. *U4 Issue, 2005*(3).

improperly spent, they may lose faith in the government. A decrease in trust can be linked to a lower desire to pay taxes, which lowers the amount of public funds available and feeds the vicious cycle of underfunding public services.

2.2.5.9 Distribution of Forged Business Licenses

If the government, under the pretence of simplifying the licensing process, intends to issue a distribution license to any individual or non-profit organisation desiring a license, this could lead to those seeking virtual business licenses misusing them, offloading imported goods into their allocated places without paying customs duties.[216] If they are caught and face issues, they may have their licences revoked and evade responsibility.

Moreover, forged business licenses can indicate and contribute to corruption, enabling illegal activities and undermining legitimate enterprises. Legitimate enterprises often struggle to compete against those operating under false pretences, leading to a distortion of the market.[217] This not only harms honest businesses but also erodes public trust in regulatory systems designed to ensure fairness and accountability. The distribution of these forged licenses often represents a corrupt practice, typically involving public officials or individuals who have access to legitimate licensing processes. Issuing forged business licenses may also create opportunities for illicit activities, including tax evasion, money laundering, and operating businesses without proper oversight.

2.2.5.10 Inactivity of National Standards Authority

The constitutions of most countries emphasise the strengthening and development of standards systems to improve the quality of imported and exported goods. Undoubtedly, strengthening the national standards administration and equipping it with advanced laboratories is necessary to achieve this.[218] If factors like the

---

216 Rybalchenko, L., Ryzhkov, E., & Ohrimenco, S. (2021). Economic crime and its impact on the security of the state. *Philosophy, economics and law review*(2), 78-91.

217 Mills, N. F. (2023). *UK corporate bribery and corruption: an enforcement paradox* University of Reading].

218 Rusin, R., Dubinskiy, O., & Kharytonov, R. (2021). Implementation of international anti-corruption standards in the economic space. *Baltic Journal of Economic Studies, 7*(5), 184-191.

inadequacy or shortcomings of professional staff, insufficient technical equipment for evaluating imported and exported goods, and a lack of serious commitment to following established criteria and standards exist, harmful or low-quality food, medical supplies, oil, construction materials, and agricultural products will enter the country and dominate the domestic markets, severely affecting public health and finances. Moreover, it will reduce the value of that country's commercial goods in global markets.

2.2.5.11 Corruption Arising from Purchases and Contracts

Administrative corruption arising from procurement and contracting within government departments can manifest in various ways. A nation in need of both foreign and domestic investments for its reconstruction efforts must engage in a range of contracts with local and international organisations across diverse sectors.[219] Under such circumstances, if the relevant authorities are not cautious in this regard and disregard rules and effective criteria, as a result, the profiteers involved in the contracts will benefit, and the government will suffer. The corruption associated with procurement and contracting within a government department is categorised into three areas: purchasing and contracts that operate under the guise of imperfect regulations,[220] large-scale purchases, and small-scale purchases.

2.2.5.12 Effects of Administrative Corruption

Administrative corruption impedes economic growth, erodes democratic institutions, erodes public trust, and increases inequality. It disproportionately impacts vulnerable groups, undermines the rule of law, and makes it more difficult to obtain necessary services.[221] Therefore, this part of the chapter aims to discuss the most prominent impacts of administrative corruption. Since administrative corruption stems from a lack of faith and morality, its prevalence also reduces modesty and chastity among corrupt individuals. They do not see illegitimate income, oppression, injustice,

---

219 Søreide, T. (2002). *Corruption in public procurement. Causes, consequences and cures*. Chr. Michelsen Intitute.

220 Edwards, J. (2024). Legal imperfectionism. *Jurisprudence, 15*(3), 282-306.

221 Kaufmann, D. (2015). Corruption matters. *Finance & Development, 52*(3), 20-23.

or violations of Sharia and the law as negative or undesirable, but rather view these illegitimate acts as a sign of their innate skill and personal abilities. This is because they have been able to achieve social and economic status through both illegitimate and legitimate means.[222]

Moreover, administrative corruption severely damages the prestige and sovereignty of the government and the rule of law, and the perpetrators will be afraid of the consequences that breaking the law and encroaching on public and state property may have. The structure of the state will also change from a general and comprehensive system to a group and gang system. These groups will try to support the networks of corruption that are woven into various state institutions, and there is no doubt that, in this regard, instead of respecting the public and state interests, they will support their group and personal interests, and instead of defending the rule of law, they will defend the rule of their group. Administrative corruption renders the country's offices ineffective; individuals are deprived of access to public services, which become restricted to those who are willing to pay bribes. As a result of administrative corruption, the law diminishes in societal significance, leading to widespread disrespect, anarchy, and unfairness.[223]

Administrative corruption leads to budget deficits, as when public service officials engage in corrupt practices while collecting government revenues, the anticipated funds fail to reach the government treasury, resulting in significant budgetary shortfalls. The impact of administrative corruption within the economic and financial sectors is that it obstructs economic growth. It exacerbates the poverty of the underprivileged, making their situation worse, and consequently widens the social divide.[224] Nonetheless, it further enhances the financial and economic power of those capitalists who take advantage of the prevailing administrative corruption and the existing circumstances in society. The government's approach to implementing poverty alleviation programmes remains ineffective, leading to a growing dissatisfaction among the populace towards the government and an increasing distance between the two. This widening chasm not only fuels social unrest but also hampers any meaningful dialogue

---

222 Alazzabi, W. Y. E., Mustafa, H., & Abdul Latiff, A. R. (2020). Corruption and control from the perspective of Islam. *Journal of Financial Crime, 27*(2), 355-368.

223 Cifaldia, G. (2018). Corruption as a social problem. *GLOBAL RESEARCH PUBLISHING HOUSE• STOCKTON• CALIFORNIA*, 77.

224 *Ibid*.

between the government and its citizens.[225] And as frustrations mount, the potential for alternative leadership or grassroots movements to emerge grows ever more likely, challenging the "status quo".[226]

2.2.6 Types of Corruption

Corruption is a problem that every country in the world has been dealing with to some degree.[227] Nevertheless, its depth, types, levels, and scale differ from one nation to another. Its effects are different depending on the type of legislation and economic structure, and the level of a country's development. Anyhow, corruption puts a government against society, leads to decadence, squanders national resources, and undermines the performance of the government in running the country's affairs. This section of the research classifies corruption according to its various scales and forms to enhance understanding, given that categorisation is challenging without an in-depth discussion due to its secretive nature.

2.2.6.1 Forms of Corruption

This part of the research aims to discuss embezzlement and electoral fraud as types of corruption crimes based on their nature; bribery was discussed in the economically driven factors of corruption.

2.2.6.2 Embezzlement

Embezzlement is a form of corruption. It, particularly, refers to the theft or misappropriation of money or property entrusted to someone's care, frequently by a public servant or official. Embezzlement is a significant issue in many countries, including developing and developed countries.[228] Corrupt officials use two ways to make money off their positions. Corrupt officials have two options: either they

---

225 *Ibid*.

226 "Status quo" is of Latin origin and refers to the current state of affairs.

227 Mousavi, P., & Pourkiani, M. (2013). Administrative corruption: Ways of tackling the problem. *European Online Journal of Natural and Social Sciences: Proceedings, 2*(3 (s)), pp. 178-187.

228 Mugarura, N. (2016). Uncoupling the relationship between corruption and money laundering crimes. *Journal of Financial Regulation and Compliance, 24*(1), 74-89.

embezzle or misappropriate money from the state budget, or they bribe people by asking for additional payments in exchange for their services. Embezzlement often results in less distortion than bribery.[229]

Embezzlement in Afghanistan is a complex issue with deep-rooted causes. A particularly emblematic illustration of the nature of corruption in Afghanistan is the Kabul Bank scandal, which involved the embezzlement of more than US$900 million of investors' cash in 2010 by politically connected elites.[230] In November 2015, Afghanistan government officials announced a massive real estate deal with a well-known businessperson. Involving 8,800 homes in central Kabul, the agreement had an initial investment of at least US$95 million.[231] In November 2015, the Afghan government officials announced a massive real estate deal with a well-known businessperson. Involving 8,800 homes in central Kabul, the agreement had an initial investment of at least US$95 million. Khalilullah Ferozi was the individual involved, who had been imprisoned for his role in the Kabul Bank scandal and subsequently transferred home from prison on Ghani's orders.[232] While President Ghani has taken charge, he has made promises to crack down on corruption; conversely, the corruption index has increased. One of his promises was to solve the Kabul Bank case, but the government paid the people cash to hide this scandal from the country. Embezzlement is the perversion of a decision-making process to acquire inappropriate advantages for the briber through the complicity of certain unscrupulous policymakers. It undermines the essential principles of good governance and restricts people's access to markets, job opportunities, and public services based on merit and competence. It also obscures the concept of public interest, fosters distrust towards governments, and misdirects wealth that should fundamentally benefit the populace.[233]

---

229 Fan, C. S., Lin, C., & Treisman, D. (2010). *Embezzlement versus bribery*.

230 Fitrat, A. Q. (2022). *The Tragedy of Kabul Bank*. Page Publishing Inc.

231 George, B. (2020). The Kabul to Dubai pipeline: lessons learned from the Kabul Bank scandal. *Dubai's role in facilitating corruption and global illicit financial flows. Carnegie Endowment for International Peace, Washington, DC*, 85-93.

232 *Ibid*.

233 Fantaye, D. (2017). Fighting Corruption and Embezzlement in Third World Countries. *The Police Journal: Theory, Practice and Principles,* 68(2), 170-176. doi: 10.1177/0032258x9506800210.

2.2.6.3 Electoral Fraud

Studies have consistently shown connection between electoral fraud and corruption.[234] Michael Callen argued that political connections and weak institutions in Afghanistan were associated with election fraud, which was decreased by the introduction of monitoring technology.[235] During the 2010 parliamentary election in Afghanistan, combining political connections between candidates and election officials led to a nationwide controlled evaluation of monitoring and direct measurement of aggregation fraud. According to studies, there is considerable evidence of aggregate fraud in favour of connected candidates.[236] Similarly, Vozniuk argued that various illicit technologies for voter bribery, including carousels and election networks, are employed to influence election outcomes.[237] The most common methods of electoral corruption were identified and examined using a methodology that included a documentary review of academic sources and materials from public organisations, law enforcement, and judicial practice when looking into voter bribery cases.[238] Verardi Vincenzo also explored the relationship between electoral systems and corruption, finding that majoritarian systems and presidential regimes tend to be associated with higher levels of corruption.[239] However, many academics have recently attempted to explain the connection between electoral systems and corruption. Several theories have been proposed, but no outcome has been reached yet. Using a dataset spanning ten years and comprising roughly fifty democratic nations, we aim to determine which of the effects emphasised in the theoretical literature is most prevalent.[240]

Moreover, studies have shown the impact of photography monitoring technology on electoral fraud and perceptions of government legitimacy during the 2010 and 2019 parliamentary and presidential elections in Afghanistan. Studies illustrated that the announcement of a new monitoring technology reduced both theft of election material and vote counts for politically connected candidates and increased

---

234 Bergin, J. (2024). The Relationship Between Electoral Integrity and Corruption.

235 Callen, M., & Long, J. D. (2015). Institutional corruption and election fraud: Evidence from a field experiment in Afghanistan. *American Economic Review, 105*(1), 354-381.

236 *Ibid*.

237 Vozniuk, A., Hryha, M., Botnarenko, I., Makarenko, T., & Bryskovska, O. (2022). Electoral corruption: illegal voter bribery technologies. *Cuestiones Políticas, 40*(75).

238 *Ibid*.

239 Vincenzo, V. (2004). Electoral systems and corruption. *Revista Latinoamericana de Desarrollo Económico*(3), 117-150.

240 Sjoberg, F. M. (2013). Political Parties and Election Fraud. *Available at SSRN 2274873*.

perceptions of government legitimacy.[241]

Furthermore, some provinces in Afghanistan have been threatened by insurgents, specifically during election times, with politicians using the advantages of insecure places to secure votes for themselves.[242]

In addition, election fraud is considered widespread throughout developing countries, increasing concerns that it facilitates corruption and undermines economic growth by preventing voters from holding elected representatives accountable.[243]

2.2.6.4 Factors that Foster Corruption: Direct and Indirect Influences

Corruption is a sign of profound institutional weaknesses and results in inefficient economic, social, and political outcomes.[244] Corruption is defined as the abuse of public power for private gain, presumably occurring where the public and private domains converge. Most obviously, it occurs when public officials are assigned a direct responsibility to provide a public service or implement specific regulations, e.g., national highway traffic officers, who are responsible for monitoring the implementation of traffic rules.[245] In addition to this, corruption tends to occur when an organisation or a public official has monopolistic authority over a good or service that generates rent, has the discretionary power to decide who will receive it, and takes no responsibility.[246] Corruption is rooted in a country's social and cultural history, political and economic development, policies, and bureaucratic traditions. According to some scholars, such as Vito Tanzi, there are direct and indirect factors that increase the rate of corruption. Direct factors consist of regulations and authorisations, taxation, spending decisions, and the provision of goods and services at less than market prices.[247]

---

241 Faqiryar, W. N. (2022). Artificial Intelligence-based SMS Voting in Afghanistan: Past and Future Prospects.

242 Berman, E., Callen, M., Gibson, C., Long, J. and Rezaee, A. (2019) Election fairness and government legitimacy in Afghanistan. *Journal of Economic Behaviour & Organization,* 168, pp.292-317.

243 Clayton, K. (2017). The impact of election fraud on government performance. *SSRN Electronic Journal,* 3(1), 20.21. doi: 10.2139/ssrn.3845559.

244 Akçay, S. (2006). Corruption and human development. *Cato J., 26*, 29.

245 Rose-Ackerman, S. (1997). The political economy of corruption. *Corruption and the global economy, 31*(60), 54.

246 Klitgaard, R. (1991). *Controlling corruption*. Univ of California Press.

247 Tanzi, V. (1998). Corruption around the world: Causes, consequences, scope, and cures. *Staff papers, 45*(4), 559-594.

Moreover, regulations are often more likely to lead to corruption because they impose costs on certain individuals for the benefit of others, although this is not universally applicable. By their very nature, regulations aim to prevent individuals from making decisions they would otherwise have made.[248] In many countries, especially in developing nations, the role of government is often implemented using many rules and regulations. In these countries, permits, licences, and authorisations of various sorts are required to engage in many activities. For instance, "opening a restaurant and keeping it operating, borrowing money, investing, driving a car, owning a car, building a house, engaging in foreign trade, getting foreign exchange, obtaining a passport, going abroad"[249] require specific documents. In most cases, numerous government offices must authorise these activities and need to get in touch with several public servants. Hence, the existence of these kinds of regulations and authorisations gives a sort of exclusive power to the officials who must issue authorisations or inspect the activities. Therefore, these officials might refuse the authorisations, or they might take months to decide. As well, they can use their public power to demand bribes from those who need permits or authorisations. For instance, in India, obtaining a "Licence Raj"[250] also known as Permit Raj, is necessary for individuals who want to operate in the Indian business industry. This permit is "pejorative"[251] for a system of government that implemented strict rules that controlled the economy of India. Often, some individuals act as middlemen or facilitators to obtain these permits illegally. The truth is that, in some cases, the regulations are unclear or not even publicly available for approval, and they can only be obtained from a specific department or person who has no competition in issuing these permits or authorisations. This gives bureaucrats unlimited power and a prime opportunity to demand bribes.

Furthermore, taxation constitutes an additional element that may foster corruption.[252] As explained previously, the existence of strict rules and regulations requires frequent contact between citizens and bureaucrats. Citizens need an enormous

---

248 Holcombe, R. G., & Boudreaux, C. J. (2015). Regulation and corruption. *Public Choice, 164*, 75-85.

249 *Ibid*.

250 Kamtekar, I. (2016). The Wartime Paternity of India's 'Licence-Permit Raj'. Proceedings of the Indian History Congress,

251 Aghion, P., Burgess, R., Redding, S. J., & Zilibotti, F. (2008). The unequal effects of liberalization: Evidence from dismantling the License Raj in India. *American Economic Review, 98*(4), 1397-1412.

252 Nawaz, F. (2010). Exploring the relationships between corruption and tax revenue. *U4 Expert Answers, 228*, 2010.

amount of time to spend obtaining permits and dealing with public servants. And large proportions of the time of the owner of the business, and specifically small businesses, are spent dealing with bureaucracies. To avoid this long wait, waiting to get a permit is reduced through bribes. As explained earlier, the existence of strict rules and regulations requires frequent contact between citizens and bureaucrats. Citizens need a large amount of time to obtain permits and deal with public officials. A significant portion of a business owner's time, especially for small business owners, is spent navigating bureaucratic processes. To avoid long wait times, some people resort to bribery to get permits faster. As a result, these restrictions become a major source of income for bureaucrats.[253]

In addition, corruption not only decreases the tax-to-GDP ratio but also causes long-term harm to the economy by reducing investment, expanding the informal economy, distorting the tax system, and eroding taxpayers' sense of tax morality.[254]

Additionally, spending decisions[255] are another factor that increases the rate of corruption. Investment projects have frequently been connected to high levels of corruption.[256] Due to the discretion that some high-ranking public officials have over decisions regarding public investment projects, this type of public spending can become greatly distorted, both in size and in combination, by corruption.[257] Investment projects have, at times, been carried out specifically to create opportunities for some public servants or some political groups to get "commissions" from those who are chosen to carry out the projects. This has reduced the productivity of these investments and resulted in projects that would not have been obtained based on objective criteria of investment selection, such as cost-benefit analysis (i.e., a systematic process for identifying, quantifying, and comparing the expected benefits and costs of an investment, action, or policy).[258] Likewise, another area where administrative

---

253 Tanzi, V. (1998). Corruption around the world: Causes, consequences, scope, and cures. *Staff papers, 45*(4), 559-594.

254 Aidt, T. S. (2003). Economic analysis of corruption: a survey. *The Economic Journal, 113*(491), F632-F652.

255 Spending decisions entail determining the allocation of finite resources, applicable to both personal finances and organisational contexts.

256 Kahn, T., & Zimbalist, Z. (2022). How do local public spending decisions shape corruption perceptions? Evidence from Mexico. *Latin American Politics and Society, 64*(3), 67-92.

257 Tanzi, V., & Davoodi, H. (1998). Corruption, public investment, and growth. The Welfare State, Public Investment, and Growth: Selected Papers from the 53 rd Congress of the International Institute of Public Finance,

258 Shively, G., & Galopin, M. (2013). An overview of benefit-cost analysis. *Accessed online at http://www. agecon. purdue. edu/staff/shively/COURSES/AGEC406/reviews/bca. htm*.

corruption affects government spending is procurement, or the purchasing of goods and services. Some nations have created intricate and expensive policies to reduce the possibility of corruption, but this has resulted in a sharp increase in the price at which certain goods must be purchased. Furthermore, in many countries, spending on extra-budgetary accounts is common. Some of those extra-budgetary accounts have legitimacy and are set up for specific purposes, such as pension funds and road funds.[259] Others are set up to lessen political and administrative controls that are more likely to go along with spending that goes through the budget. Some of them have legitimacy and are set up for specific purposes (pension funds and road funds). Others are set up to reduce the political and administrative controls that are more likely to accompany spending that goes through the budget. In some countries, funds generated from the sale of natural resources such as oil and tin, as well as from foreign aid, are directed into special accounts.[260] These accounts are frequently less regulated and transparent than the funds allocated through the official budget. A portion of this money may be diverted towards illegitimate purposes or into private pockets. Consequently, in all these areas, the lack of transparency and its effects on institutional controls are the primary factors fostering corruption.

Some studies contended that providing goods and services at lower prices compared to market rates is also thought to be one of the main causes of the rise in corruption.[261] Price controls, exchange rate controls, differential exchange rates,[262] and lower-paid civil servants are some of the factors promoting corruption.[263] Maintaining the price of government goods and services below their market value enables government officials to engage in rent-seeking activities. The figure below illustrates the rent-seeking process.

---

259 Allen, R. (2013). Managing Extrabudgetary Funds. *The International Handbook of Public Financial Management*, 396-411.

260 Dabán, S. T. (2013). Public financial management in natural resource-rich countries. In *Public financial management and its emerging architecture*. International Monetary Fund.

261 Mauro, P., & Driscoll, D. D. (1997). *Why worry about corruption?* (Vol. 6). International Monetary Fund Washington, DC.

262 Differential exchange rates denote the disparity in the exchange rates between two currencies.

263 Schiller, C. (2000). Improving governance and fighting corruption: An IMF perspective. *Accessed on, 18*(06), 2012.

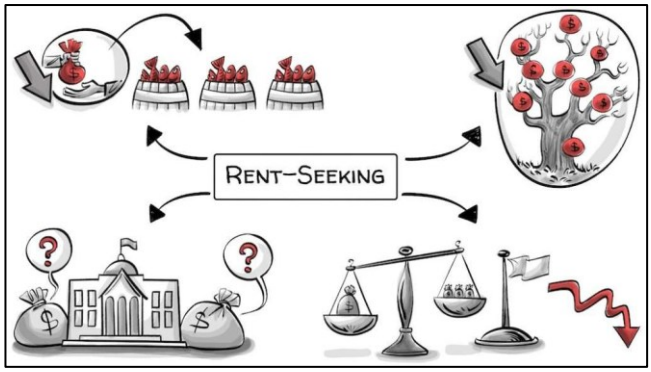


Figure 2.1 Rent Seeking

Figure 2.1 illustrates how rent-seeking activities involve the manipulation of public policy or economic conditions to acquire wealth without generating new wealth. This typically encompasses lobbying, legal manoeuvring, or other actions aimed at securing benefits such as subsidies, tariffs, or monopolies, which can adversely affect overall economic efficiency and fairness.[264]

Corruption grows in countries where exchange rates fluctuate. Corrupt officials would seek bribes from individuals or companies to grant the "best" rate. Public employees frequently accept bribes while carrying out their jobs in a country where their pay is much less than that of their private sector counterparts, and there are no consequences for dishonest officials.[265] In most countries, the government provides goods and services at prices below the market price. These goods and services may include electricity, water, public housing, foreign exchange, credit, and some rationed goods,[266] access to educational and health facilities, and access to public land. Access to some forms of pensions, such as those for disability, is also included in this category because the people who get them have paid less in contribution to the pension fund over time compared to the pension they get once their disability status is confirmed. In certain countries, disability pensions have been fertile ground for administrative corruption. In countries where the rule of law is weakened, some individuals benefited greatly when they were able to get access to large sums of credit or foreign exchange at below-market prices.[267]

---

264 Congleton, R. D., Hillman, A. L., & Konrad, K. A. (2008). Forty years of research on rent seeking: an overview. *The Theory of Rent Seeking: Forty Years of Research, 1*, 1-42.

265 Atta-Mensah, J. (2016). The valuation of corruption. *Journal of Mathematical Finance, 6*(05), 728.

266 Jecker, N. S., & Schneiderman, L. J. (1992). Futility and rationing. *The American journal of medicine, 92*(2), 189-196.

267 Tanzi, V. (1998). Corruption around the world: Causes, consequences, scope, and cures. *Staff papers, 45*(4), 559-594.

As illustrated previously, other factors can indirectly promote corruption. This portion of research illustrates some of these: the bureaucratic tradition, the level of public sector wages, the penalty systems, institutional controls, the openness of laws, regulations, and procedures, and the example set by the leadership.

In relation to bureaucracy, it is contended that the quality of the bureaucracy is the main factor influencing the rate of corruption, whether increasing or decreasing it. The relationship between bureaucracy and corruption is complicated and not necessarily obvious. According to certain research, a strong bureaucracy can lessen corruption by enhancing accountability, transparency, and oversight. Nevertheless, other studies show that bureaucracies that are too complicated or ineffective can also foster an elitist culture and provide chances for corruption. Ultimately, various factors influence how effective a bureaucracy is at combating corruption. These include the specific procedures and structures within the bureaucracy, the levels of accountability and transparency present, and the overall quality of governance.[268]

The quality of the bureaucracy varies enormously between countries. In some cases, public sector jobs give a lot of prestige and status. In others, much less so. That quality is the result of numerous factors. Max Weber, a key figure in the development of sociology, outlined the characteristics that an ideal bureaucracy should possess, recognising that most bureaucracies fall short of this ideal.[269] It could be explained, ceteris paribus, by tradition and its impact on people's sense of pride in their government service, which accounts for some bureaucracies' greater efficiency and lower susceptibility to corruption than others.[270] A bureaucracy's quality can be determined by a number of factors, including the lack of politically motivated hiring, nepotism, and patronage, as well as by having clear policies regarding hiring and promotions. The reward system and tradition go a long way towards explaining why some bureaucracies are much less corrupt than others.

In addition to the quality of bureaucracy, the level of public sector wages is another prominent factor that has affected corruption. For a long time, researchers in certain countries assumed that the wages paid to civil servants were contributing to

---

268 Caserta, M., Ferrante, L., & Reito, F. (2022). Bribes and bureaucracy size: The strategy of watering down corruption. *Economica, 89*(353), 191-213.

269 Weber, M. (2023). Bureaucracy. In *Social theory re-wired* (pp. 271-276). Routledge.

270 Tanzi, V. (1998). Corruption around the world: Causes, consequences, scope, and cures. *Staff papers, 45*(4), 559-594.

determining the degree of administrative corruption. Assar Lindbeck argued that there was low corruption in Sweden for many years; high-ranking officials were better compensated than average workers.[271] Apart from that, as penalty systems differ from country to country, their role may act differently in different nations. According to Gary Becker's classical analysis of crime prevention, the likelihood that an act of criminality would occur is influenced by the penalty imposed and the likelihood that the offender would be caught. Ceteris paribus is a Latin phrase that mainly means "all other things being equal." In economics, assuming all other variables stay constant, it serves as a concise indicator of the impact one economic variable has on another.[272] Its applications, dating back to 1295 by Peter John Olivi, suggested that corruption could be eliminated by increasing the penalties for those who commit it.[273] Further, except in some countries, there appears to be a significant discrepancy between the penalties that are imposed and those that are outlined in laws and regulations. For instance, some countries, like China, have recently taken a stricter approach to corruption. However, some acts of corruption may still go unpunished, so uncertainty prevails over the treatment of individuals accused of corruption. This may lead to the perception that penalties are applied selectively or arbitrarily.[274] Institutional corruption appears when a strategic and systemic influence is present that is legal or even currently ethical and undermines the institution's effectiveness by distracting it from its purpose or weakening its ability to fulfil its purpose, including, to the extent relevant to its purpose, weakening.[275] Gary Becker analysed criminal behaviour from the standpoint of offenders trying to maximise their economic utility.[276] Gary argued that a criminal weighs the advantages and disadvantages of committing a crime before deciding whether to do it.[277] Hence, this leads to the role of institutional controls. The existence of these controls reflects, to a great degree, the attitude of the political body towards

---

271 Lindbeck, A. (1998). *Swedish lessons for post-socialist countries*. IIES.

272 Reutlinger, A., Schurz, G., & Hüttemann, A. (2011). Ceteris paribus laws. *Stanford encyclopedia of philosophy*.

273 Tanzi, V. (1998). Corruption around the world: Causes, consequences, scope, and cures. *Staff papers, 45*(4), 559-594.

274 Wedeman, A. (2017). The intensification of corruption in China. In *Critical Readings on the Communist Party of China (4 Vols. Set)* (pp. 1242-1272). Brill.

275 English, W. (2013). Institutional corruption and the crisis of liberal democracy. *Edmond J. Safra Working Papers*(15).

276 Cook, P. J., Machin, S. J., Marie, O., & Mastrobuoni, G. (2012). Lessons from the economics of crime. *Lessons from the Economics of Crime'in Lessons from the Economics of Crime, edited by PJ Cook, SJ Machin, O. Marie, and G. Mastrobuoni, MIT Press, Forthcoming*.

277 Becker, G. S. (1993). The economic way of looking at life.

this problem. Typically, the most effective controls are those that exist inside institutions.[278] Subsequently, the openness of regulations is considered an indirect factor that affects the rate of corruption. While it does not directly cause corruption, how regulations are designed and applied can produce situations that promote or discourage corruption.[279] Reducing corruption in sensitive areas like the procurement process or public official personal asset monitoring can be achieved by implementing transparency and information access on electronic platforms.[280] In certain countries, the lack of transparency in rules, laws, and processes generates opportunities for corruption. Nonetheless, some countries, such as New Zealand, have made great efforts in recent years to bring more transparency to all the accounts and actions of the government.[281]

Eventually, the last element that contributes to corruption is "Examples by the leadership." When a leader or head of state engages in corruption, it degrades their integrity and sends a signal to the organisation that such behaviour is tolerated, or worse, rewarded.[282] When the top political leaders do not behave in the right way to set the right example, either because they engage in acts of corruption or, as is more often the case, because they condone such acts on the part of relatives, friends, or political associates, it is not expected that the employees in the public administration will behave effectively, as they learn from their top leaders.[283] Within specific organisations like tax administration, customs, public enterprises, and so forth, the same argument is applied. If the leaders and top managers of these institutions do not set the highest standards for integrity, it is impossible to expect them to be free from corruption.

---

278 Martinez-Cousinou, G., & Andersson, S. (2009). Institutional Control of Corruption: an Analytical Framework for its Study. *REVISTA DEL CLAD REFORMA Y DEMOCRACIA*(43), 103-+.

279 Triatmanto, B., & Bawono, S. (2023). The interplay of corruption, human capital, and unemployment in Indonesia: Implications for economic development. *Journal of Economic Criminology, 2*, 100031.

280 Shehaj, A., & Shahini, L. (2019). The impact of transparency in the fight against corruption. *Mediterranean Journal of Social Sciences, 10*(5), 47.

281 Goldfinch, S. F. (2023). New Zealand: reunifying the state and the (really, truly, this time) death of the New Zealand Model? In *Handbook of Public Administration Reform* (pp. 351-372). Edward Elgar Publishing.

282 Wesche, J. S., May, D., Peus, C., & Frey, D. (2010). Leadership corruption. *When leadership goes wrong: Destructive leadership, mistakes, and ethical failures*, 305-353.

283 Tanzi, V. (1998). Corruption around the world: Causes, consequences, scope, and cures. *Staff papers, 45*(4), 559-594.

2.2.6.5 Corruption and Anti-Corruption Efforts in Afghanistan

This section of the chapter offers an overview of anti-corruption initiatives in Afghanistan. However, Chapter Six of this research will provide a critical analysis of the anti-corruption efforts undertaken in Afghanistan.

Initially, from the perspective of money laundering and illicit finance, corruption is widely understood as the improper use of a public or official position for private gain.[284] A significant issue in developing nations is administrative corruption, particularly within governance and private companies managing public affairs.[285] The public and private sectors are susceptible to administrative corruption, which occurs as extortion, bribery, embezzlement, electoral fraud, state capture, and nepotism. For instance, taxpayers and collectors collude to reduce remissions. This multifaceted issue is influenced by economic factors and demands a continuous and challenging process to eliminate it.[286] Administrative corruption is influenced by a range of factors, not only economic factors, including cultural, organisational, and political factors.[287] Cultural and organisational factors play a significant role, with corrupt culture and weak organisational culture directly influencing administrative corruption.[288] Political unrest and institutional weakness are also additional determinants of administrative corruption that affect the functioning of government and society.[289] The detrimental effects of administrative corruption on government performance and development are well evidenced, particularly in developing countries;[290] Hence, the countries' international reputations and residents' quality of life confirm this claim.

Moreover, administrative corruption is a complex, multidimensional phenomenon that manifests itself in a range of roles and ways. It is caused by a variety

---

284 Benson, K. (2025). From money laundering to illicit finance? The evolving 'AML'regulatory regimes for legal professionals in the UK and Australia. *Current Issues in Criminal Justice*, 1-19.

285 Flatters, F., & MacLeod, W. B. (1995). Administrative corruption and taxation. *International Tax and Public Finance, 2*, 397-417.

286 Taboli, H., Samie'e Darooneh, M., & Ehsani, A. (2013). Administrative corruption: why and how. *International Journal of Advanced Studies in Humanities and Social Science, 1*(12), 2567-2575.

287 *Ibid*.

288 Al-Jundi, S. A., Shuhaiber, A., & Al-Emara, S. S. (2019). The effect of culture and organisational culture on administrative corruption. *International Journal of Economics and Business Research, 18*(4), 436-451.

289 *Ibid*.

290 Gould, D. J., & Amaro-Reyes, J. A. (2012). *The effects of corruption on administrative performance: illustrations from development countries*.

of factors and results in numerous effects.[291] Considering the significance of this subject in different countries, extensive studies have been conducted in recent years to identify and ascertain the causes of this dilemma. Economic factors are essential components of any social structure, significantly influencing individual behaviours, including instances of bribery and financial corruption. Administrative corruption is a social issue that affects every political unit in the world. Considering this, different nations with different perceptions of corruption as an inescapable issue have decided to find their political and constitutional structures in a way to minimise the degree of corruption observed. International experience indicates that administrative corruption is complex and diversified in its clandestine nature. Thus, combating it requires a continuous, lengthy, and difficult process. Corruption is rooted in many different backgrounds, which can cause the creation, expansion, and promotion of administrative corruption in its actual and potential forms. Finding the causes of administrative corruption and using them can contribute to demolishing and eliminating it.

Furthermore, corruption is a transnational organised crime that is considered a global threat and threatens the economic, political, and security structures of countries. The UN has addressed the threat of corruption in various international treaties, including the Convention against Transnational Organised Crime of 2000, commonly referred to as the Palermo Convention, and the United Nations Convention against Corruption (UNCAC), also known as the Mérida Convention. It has urged countries to confront and combat this serious crime.[292]

Afghanistan is one of the countries that faces the threat of corruption. The international community has conditioned its continued assistance to Afghanistan's reconstruction and progress on the country's mission to fight against corruption.[293] Afghanistan is a signatory to both the Palermo and Mérida conventions,[294] and has international obligations towards them. Based on the provisions of these two conventions, national and international measures have been taken to combat corruption

---

291 Taboli, H., Samie'e Darooneh, M., & Ehsani, A. (2013). Administrative corruption: why and how. *International Journal of Advanced Studies in Humanities and Social Science, 1*(12), 2567-2575.

292 Singh, D. (2016). Anti-corruption strategies in Afghanistan: An alternative approach. *Journal of Developing Societies, 32*(1), 44-72.

293 Hassan, O. (2023). Afghanistan: Lessons learnt from 20 years of supporting democracy, development and security. *Bruxelas, Bélgica: Directorate General for External Policies of the Union*.

294 Clark, R. S. (2004). The United Nations Convention against transnational organized crime. *Wayne L. Rev., 50*, 161.

in Afghanistan in the last two decades.

2.2.6.6 Studies on Administrative Corruption

This portion of the research illustrates the studies that have been done on administrative corruption and evaluates the different points of view towards administrative corruption during different times. A variety of studies have investigated ways to demolish administrative corruption. Di Vita argued that increasing the liability rule for civil servants and public administrators can deter bribery.[295] Paying bureaucrats with incentive wage regimes might not be an effective way to demolish corruption; conversely, an increase in the liability for civil servants and public administration may discourage the phenomenon of bribery, and a clear definition of property rights contributes to a decrease in corruption. Nevertheless, Mousavi emphasises that in order to effectively combat corruption, it is critical to comprehend its contributing factors and root causes. [296] Soreide applies economic principles to recognise corrupt incentives and guide reform, divergent policies targeting individual civil servants, and compliance regimes for state institutions.[297]

The "new" literature describes the dysfunctional aspects of corruption as well as highlights its systematic revitalisation in developed nations. Based on studies, corruption is fuelled by various reasons. Behavioural functionalism and functional psychology emerged in the first half of the 20th century and explained the patterns in human behaviour as the consequence of responding to external stimulants (e.g., vision, hearing)[298] and adaptation to one's surroundings.[299] Functionalist theories of corruption first surfaced in political science through the work of academics like Samuel Huntington, who viewed corruption as a means of "greasing the wheels"[300] for easy completion of tasks, particularly for businesses and companies. Huntington believed

---

295 Di Vita, G. (2011). Curbing corruption in Public Administration: a case study from Italy. *International Journal of Public Administration, 34*(10), 631-645.

296 Mousavi, P., & Pourkiani, M. (2013). Administrative corruption: Ways of tackling the problem. *European Online Journal of Natural and Social Sciences: Proceedings, 2*(3 (s)), pp. 178-187.

297 Soreide, T., & Rose-Ackerman, S. (2017). Corruption in state administration. In *Corruption in State Administration: Soreide, Tina| uRose-Ackerman, Susan*. [Sl]: SSRN.

298 Pervin, L. A., & Lewis, M. (1978). Overview of the internal-external issue. In *Perspectives in interactional psychology* (pp. 1-22). Springer.

299 Angell, J. R. (1907). The province of functional psychology. *Psychological Review, 14*(2), 61.

300 Dupuy, K. (2018). Functionalist and rational choice theories of corruption. *Bergen, Norway: U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute*.

that corruption is doomed to self-destruction along with the process of national maturation.[301] According to the Wheel theory, corruption is a quick way to get around onerous regulations, distribute resources, and spur economic expansion.[302] Hence, under these circumstances, corruption, even if it only serves as sand, can help make square wheels round and thus improve the institutional system.[303] Researchers have found evidence that both supports and refutes the greasing the wheels theory, leading to the emergence of a sizable but largely ambiguous body of literature in the field of economics.[304] While the functionalists maintained that corruption will eventually self-destruct as a result of the country's maturing process, post-functionalists contend that corruption is self-reinforcing and feeds on a multitude of factors.

More prominently, Jacques Marquette uses a neofunctionalism argument (i.e., neo functionalists emphasise the potential for deeper and broader governance at the regional level as the first European integration theory) to apply this logic to non-investors, contending that corruption can be seen as a helpful method of "problem-solving" or handling issues that people encounter.[305] This ultimate malfunction is exacerbated by the "spillover effect." The concept of "spillover" is arguably the most significant component of neo-functionalism theory. It describes how integration in one area of policy creates the framework and motivation for integration in another related area.[306] Moreover, it refers to the effects that apparently unrelated accidents in one nation can have on the economies of other nations. For instance, if consumer spending in the United States declines, it has spillover effects on the nation's economies, which depend on the U.S. as their biggest export market.[307] The estimates suggest that the ineffectiveness of corruption controls undermines institutional efficiency, resulting in negative spillover effects. By tackling corruption, a nation can reap dual benefits:

---

301 Manzetti, L., & Wilson, C. J. (2007). Why do corrupt governments maintain public support? *Comparative political studies, 40*(8), 949-970.

302 Dreher, A., & Gassebner, M. (2013). Greasing the wheels? The impact of regulations and corruption on firm entry. *Public Choice, 155*, 413-432.

303 Simon-Yarza, B. (2023). The changing wheels hypothesis. Corruption and development: Evidence from China. *Journal of Government and Economics, 12*, 100094.

304 Dreher, A., & Gassebner, M. (2013). Greasing the wheels? The impact of regulations and corruption on firm entry. *Public Choice, 155*, 413-432.

305 McLaren, R. H. (2008). Corruption: Its impact on fair play. *Marq. Sports L. Rev., 19*, 15.

306 Köpping Athanasopoulos, H., & Köpping Athanasopoulos, H. (2020). Neofunctionalism in Theory and Practice. *EU Migration Management and the Social Purpose of European Integration: The Spillover of Misery*, 13-41.

307 Kutlu, L., & Mao, X. (2023). The effect of corruption control on efficiency spillovers. *Journal of Institutional Economics*, 1-15.

significantly reducing internal inefficiencies and mitigating the harmful "spillover effects"[308] on neighbouring countries.[309] Therefore, studies collectively underscore the complexity of administrative corruption and the need for multifaceted prevention strategies.

2.2.7 Effects of Administrative Corruption

Administrative corruption significantly impacts various facets of governance. When funds intended for salaries, procurement, and operational logistics are misappropriated, the quality-of-service delivery deteriorates.[310] As a result, citizens experience diminished access to essential services such as health, education, security, and infrastructure. This situation exacerbates existing inequalities, as corruption tends to benefit those with connections or resources.[311]

Public trust in institutions diminishes when corruption is evident and enforcement is insufficient, leading to political disengagement and social instability. The presence of ghost personnel and the manipulation of procurement processes threaten security. Finally, the rule of law is eroded, as impunity becomes commonplace. This situation perpetuates a damaging cycle of bureaucratic misconduct.

2.3 Theoretical Frameworks Guiding the Research

This research uses two theories to guide the research: the Fraud Triangle Theory and Fayol's Management Theory. These theories are chosen because they are the main frameworks used to explain how administrative corruption happens and how to address it. These theories provide a robust framework for understanding the motivations behind corrupt behaviour and offer insights into effective management strategies that can be employed to mitigate such issues in administrative contexts. By integrating these

---

308 Spillover effects, or externalities, denote the indirect repercussions of an action, event, or policy on individuals or entities not directly engaged.

309 Khodapanah, M., Shabani, Z. D., Akbarzadeh, M. H., & Shojaeian, M. (2022). Spatial spillover effects of corruption in Asian countries: Spatial econometric approach. *Regional Science Policy & Practice, 14*(4), 699-718.

310 Mugellini, G., Della Bella, S., Colagrossi, M., Isenring, G. L., & Killias, M. (2021). Public sector reforms and their impact on the level of corruption: A systematic review. *Campbell Systematic Reviews, 17*(2), e1173.

311 *Ibid*.

perspectives, the study aims to contribute to the development of more effective strategies and practices that can reduce instances of corruption.[312] These theories are examined below:

2.3.1 Fraud Triangle Theory

The Fraud Triangle Theory, initially developed by Cressey in 1953 and later expanded by Dorminy et al. in 2010, elucidates corruption as the result of the interplay between three key conditions: pressure, opportunity, and rationalisation.[313] In Afghanistan:

a) Opportunity arises from weak oversight, fragmented institutional structures, opaque procedures, and a lack of accountability.
b) Pressure stems from low and irregular salaries, economic hardship, and social obligations.
c) Rationalisation takes place when corrupt acts are socially normalised or justified as essential for survival or efficiency.

This framework elucidates the reasons behind the persistence of corruption, even in the presence of robust legal provisions: the interplay of behavioural incentives, structural weaknesses, and social norms continues to uphold illicit practices. As discussed in the literature, corruption is a form of fraud; however, it is a broader term that includes more than just fraudulent acts,[314] involving dishonesty and both financial and non-financial gains.[315] In the 1970s, Donald R. Cressey, who was an American criminologist and sociologist, came up with the concept of the Fraud Triangle by speaking with 133 prisoners to learn more about the social and psychological elements that contributed to their financial deception.[316] The fraud triangle theory is a framework commonly used in auditing to illustrate the causes behind a person's decision to commit

---

312 Kawedar, W., Handayani, R. S., & Handayani, S. (2025). Perceptions of corruption by perpetrators: An empirical analysis of the fraud triangle and attribution theories. *Problems and Perspectives in Management, 23*(1), 515-527.

313 Dorminey, J. W., Fleming, A. S., Kranacher, M.-J., & Riley Jr, R. A. (2010). Beyond the fraud triangle. *The CPA Journal, 80*(7), 17.

314 Kratcoski, P. C. (2018). Introduction: Overview of major types of fraud and corruption. *Fraud and corruption: Major types, prevention, and control*, 3-19.

315 Kornienko, M., & Tertyshnyk, V. (2021). Anti-corruption: strategy and practice. *Probs. Legality, 152*, 87.

316 Kassem, R., & Higson, A. (2012). The new fraud triangle model. *Journal of emerging trends in economics and management sciences, 3*(3), 191-195.

fraud. This theory is used to explain the reason behind a fraud. It refers to a deception that is intentional and is perpetrated by an employee or organisation for personal interest. The fraud triangle theory delineates factors that elevate the likelihood of fraud: opportunity, motivation, and rationalisation.[317] The figure below illustrates the three elements of the fraud triangle theory.

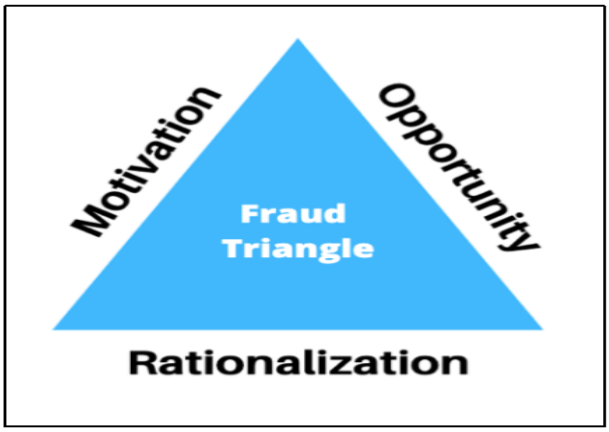


Figure 2.2 The Three Fundamental Components of Fraud Triangle Theory[318]

Initially, opportunity is a combination of weak internal controls. Improper internal controls, like a lack of monitoring or insufficient task segregation, make fraud possible.[319] lack of oversight: People may commit fraud without being discovered if there is insufficient oversight and evaluation. Process flaws: Fraudsters may take advantage of unclear or ambiguous procedures. Anti-corruption laws in Afghanistan are evaluated as ambiguous, as evident in the literature.[320] Access to sensitive information: Individuals who have access to resources or data that are considered confidential may be more likely to perpetrate fraud. Vulnerable Systems: Cybercriminals may take advantage of security flaws like out-of-date software or passwords that are simple to guess. Lastly, a lack of awareness makes it easy to deceive victims who are not aware of typical fraud techniques. Opportunity refers to circumstances that allow fraud to happen. Opportunity in the fraud triangle is the only element that an organisation

317 Schuchter, A., & Levi, M. (2016). The fraud triangle revisited. *Security Journal, 29*(2), 107-121.
318 Center, T. N. W. (2021). *The Fraud Triangle* [Knowledge Bulding]. https://doi.org/12
319 Caplan, D. (1999). Internal controls and the detection of management fraud. *Journal of Accounting Research, 37*(1), 101-117.
320 *Ibid*.

exercises complete control over.[321]

Moreover, poor tone at the top in an organisation is considered a phenomenon that creates opportunities for fraud. Poor tone at the top refers to the commitment of top management and the board of directors to being ethical, honest, and showing integrity; however, a poor tone from upper management can lead to increased susceptibility to fraud within an organisation.

Furthermore, inadequate accounting policies also count as factors bringing opportunity to fraud. It refers to how items on the financial statement are recorded. Inadequate accounting policies provide an opportunity for employees to manipulate data and gain personal interests.

Motivation or pressure is the second element in fraud, which is one of the three angles of fraud theory. It refers to an employee's mindset toward committing fraud.[322] Here are the factors that are shaping the employee's mindset to commit fraud: Initially, bonuses were based on a financial metric. Common financial metrics used to assess the performance of an employee are revenue and net income. The bonuses that are based on a financial metric put pressure on employees to meet targets, which may cause them to commit fraud to achieve the objective. However, this factor is not a very strong effect, but it has been considered one of the drivers to create pressure for employees to commit fraud.[323] Moreover, personal incentives also serve as pressure to commit fraud. It included wanting to earn more money and balance with their colleagues' income, who are at the same level but with huge income gaps.[324] Due to the public servants' low salaries, bribery has become a common practice in Afghanistan, where many people regard it as a necessary means of securing their livelihoods. As discussed in the research background and problem statement, a 2012 UN study found that 68% of Afghans thought it was acceptable for civil servants to bribe service consumers to fill their pay gaps.[325] This approach is viewed as getting around the system and is frequently connected to the idea that the government is opaque and unaccountable. Furthermore, high salary differentials between public employees alone can be perceived as corrupt.

---

321 Schuchter, A., & Levi, M. (2016). The fraud triangle revisited. *Security Journal, 29*(2), 107-121.

322 Kassem, R., & Higson, A. (2012). The new fraud triangle model. *Journal of emerging trends in economics and management sciences, 3*(3), 191-195.

323 *Ibid*.

324 Cotton, C., Gifford, J., & Young, J. (2022). Incentives and recognition: An evidence review. *The Journal of Total Rewards, 31*(2), 19-14.

325 *Ibid*.

As discussed earlier, employees in the public sector received much more time than the other employees, even in the same department, under the name of "super scale" benefits.[326]

Additionally, rationalisation as one of the fraud elements refers to an employee's justification for committing fraud, which legitimises their criminal deeds. The factors that fraud committers used to justify their fraud included.[327] To rationalise their fraudulent activities, public servants may contend that they were treated unjustly.[328] An employee might display hostility towards their management or employer as a form of retribution, believing that committing fraud is their only option for avenging perceived mistreatment. Moreover, the employees believed that the upper management was committing fraud as well. Weak management at the top may cause an employee to follow in the footsteps of those senior in the organisation hierarchy. This factor suggests that junior employees often emulate the behaviour of their senior colleagues throughout their tenure. In this research, the fraud triangle theory will be applied to identify the underlying causes of administrative corruption in Afghanistan and to propose an effective prevention framework.

Above all else, rationalisation, within the framework of corruption, denotes the psychological strategies individuals employ to justify or excuse their unethical conduct, frequently serving as a barrier against guilt or remorse.[329] The text discusses the process of constructing moral rationalisations that make corrupt actions appear less egregious or even defensible to the perpetrators. The subsequent section of this theoretical framework addresses strategies for combating the facets of administrative corruption identified in the fraud triangle theory as it pertains to Afghanistan, proposing the securitisation of Fayol's management theory as a potential solution.

2.3.2 Fayol's Management Theory

Fayol's principles of management emphasise hierarchy, division of labour, unity

---

326 Price, S. (2023). Collateral Benefits' and the 'International Community. *The Mediation of Sustainability: Development Goals, Social Movements, and Public Dissent*, 51.

327 Mansor, N., & Abdullahi, R. (2015). Fraud triangle theory and fraud diamond theory. Understanding the convergent and divergent for future research. *International Journal of Academic Research in Accounting, Finance and Management Science, 1*(4), 38-45.

328 *Ibid*.

329 Kassem, R., & Higson, A. (2012). The new fraud triangle model. *Journal of emerging trends in economics and management sciences, 3*(3), 191-195.

of command, formalised procedures, and discipline (Fayol, 1949). In Afghanistan, bureaucratic roles frequently lack clarity, oversight is inadequate, and adherence to procedures is inconsistent.[330] Applying Fayol's principles by clarifying responsibilities, formalising processes, strengthening discipline, and enhancing accountability could help reduce opportunities for grand corruption at the bureaucratic level. This approach would complement both legal reforms and behavioural interventions

Apart from the Fraud Triangle Theory, Fayol's Theory of Management offers management strategies to control the corruption diagram and stop the spread of this phenomenon, which is typically caused by inadequate management practices.[331] Henri Fayol was the pioneer developer of this theory between the years 1841 and 1925; he was concerned principally with achieving the most "rational organisation for coordinating the different tasks determined within the complex separation of jobs. Henri Fayol was concerned with business management to a great degree.[332] Although Fayol had made it clear that his ideas about management were aimed at applying to all formal departments and organisations, from political to religious undertakings. This theory of management is a framework for managing an organisation and increasing productivity that places a strong emphasis on organisational structure and human behaviour.[333]

Moreover, Peter Ferdinand Drucker and Lyndall Urwick were also the more recent key figures of administrative theory, as they had expressed the French "administration" as management, which led to the alternative designation of the division of labour as the classical school of scientific management.[334]

Fayol's management theory is regarded as an administrative theory. Based on the literature, the "administrative school of management" was named for Fayol's work, especially his book "Administration Industrielle et Générale," published in 1916, which concentrated on management and administration concepts. According to Fayol's theory, administrative tasks, including organising, planning, commanding, coordinating, and

---

330 Yusufzada, S., & Xia, Z. (2019). Public administration in Afghanistan: challenges and way forward. *Open Journal of Social Sciences, 7*(6), 142-160.

331 Athanasouli, D., & Goujard, A. (2015). Corruption and management practices: Firm level evidence. *Journal of Comparative Economics, 43*(4), 1014-1034.

332 Fayol, H. (1999). Administration industrielle et générale (1916). *Dunod, Paris*.

333 Edwards, R. (2018). An elaboration of the administrative theory of the 14 principles of management by Henri Fayol. *International Journal for Empirical Education and Research, 1*(1), 41-51.

334 Wren, D. A., Bedeian, A. G., & Breeze, J. D. (2002). The foundations of Henri Fayol's administrative theory. *Management Decision, 40*(9), 906-918.

managing, are crucial to the success and efficiency of an organisation.[335] This theory is formed on the concept of departmentalisation, which means the various tasks to be performed in order to obtain the common purpose of the organisation need to be identified and classified into different departments (i.e., a complex division of tasks).[336] Fayol believed that more emphasis should be on "organisational management" and behavioural factors in the management. Thus, here the emphasis is on how the management of a department is structured and how the individual's behaviours therein are organised to carry out the task given to them. Likewise, this theory emphasises improving the competency of management first, so it leads the processes to be standardised (i.e., separation of power and control of power), and afterward moves to the operational level where the employees are made to learn the changes and perform them and apply those in their daily tasks. However, Fayol's management theory primarily emphasises a top-down approach,[337] which illustrates the separation of powers and separation of tasks. Employing this theory is crucial for fighting administrative corruption in Afghanistan to prevent the warlords' intervention in decision-making. Thus, this part of Chapter Two discusses the fourteen principles of Fayol's Management Theory to provide a platform for finding approaches to combating corruption in Afghanistan. The following are Fayol's management theory principles:

Initially, division of tasks, also known as division of labour, involves dividing a job into individual tasks. The division of tasks assigns various jobs to team members to enhance productivity. In the workforce, this additionally encourages specialisation, accuracy, and speed. This principle applies to both technical and management tasks. For instance, one worker in the food service industry might gather cooked food and place it in a bag, while another worker brings the food to the client. The goal of every activity is the same: to complete the single duty of serving clients meals.[338] According to this principle, the division of tasks may increase the level of transparency along with productivity.

Moreover, authority and responsibility are balanced in a productive workplace.

---

335 *Ibid*.

336 Voxted, S. (2017). 100 years of Henri Fayol. *Management Revue*, 256-274.

337 Gupta, D., Chhetri, K., & Gupta, V. (2014). Henry Fayol and Frederick W. Taylor's contribution to management: An overview '. *International Journal of Innovative Research in Technology, 1*(6), 1192-1195.

338 Uzuegbu, C., & Nnadozie, C. (2015). Henry Fayol's 14 principles of management: Implications for libraries and information centres. *Journal of Information Science theory and practice, 3*(2), 58-72.

In principle, a person's responsibilities increase with their level of power at work. Authority is used by managers and company owners to carry out managerial orders. Managers may find it difficult to carry out their duties if they lack authority. Managers must exercise their power sensibly and morally. For example, managers have the right to make decisions on employing staff and negotiating their salaries.[339] According to this principle, the public servant should understand their authority and responsibilities in their public life.

Furthermore, an organisation typically includes a chain of command to assist in guaranteeing that work is carried out in a particular way. Every employee has a single direct manager when this approach is followed. Personnel may experience a conflict of interest or misunderstanding if they get instructions from several managers.[340]

Although an organisation can have multiple managers if each employee reports to a single supervisor, unity of command rarely disturbs a hierarchy. For instance, a business can create a hierarchy and foster a supportive environment by designating a single administrative supervisor rather than two or three. This is an example of unity of command.

Further, discipline includes following an organisation's rules and regulations and showing respect for authority. Employees who adhere to this ideal respect and obey their leaders. Managers keep their staff disciplined by making sure they abide by policies and procedures. Effective managers also provide a good example to do this.[341]

Unity of direction is the fifth principle of Fayol's Management Theory. According to this principle, tasks should be organised so that employees work in perfect harmony towards a common objective, adhering to a single plan under the guidance of one manager. Collective interest over individual interest: The interests of society should take precedence over those of the individual. Additionally, the interests of the organisation should not be undermined by the pursuits of any single individual.[342]

Equity is the sixth principle of Fayol's Management Theory in order of importance. From this principle's point of view, in productive organisations, top managers frequently treat their staff members fairly. An employer must guarantee that

---

339 *Ibid*.

340 Fayol, H. Principles of management. *General and Industrial Management*.

341 Uzuegbu, C., & Nnadozie, C. (2015). Henry Fayol's 14 principles of management: Implications for libraries and information centres. *Journal of Information Science theory and practice, 3*(2), 58-72.

342 *Ibid*.

workers are treated equally and without prejudice. Loyalty to a company is developed when all employees are treated with love and respect. Managers must treat their staff members with integrity. For instance, workers who do comparable tasks can be compensated equally.[343]

Placing the public interests over personal interests is counted as the seventh principle of Fayol's Management Theory. Based on this principle, the interests of the organisation come before those of individuals or groups. Typically, managers make choices that benefit the entire company rather than just one person or group of employees. For instance, an organisation may ask staff to stay overtime if its workload grows or if there are many clients to attend to.[344]

Order is the eighth principle of Fayol's Management Theory. Due to this principle, maintaining an organisation in order is crucial. Choosing the appropriate individuals for each task is also a matter of order. Maintaining order at work may promote better workplaces and higher levels of productivity. The methodical and ordered arrangement of people, places, and activities is referred to as the principle of order.[345]

More precisely, the initiative principle is upheld by management that encourages staff initiative. Such initiatives can enhance employees' job satisfaction and their engagement with the organisation. Additionally, when employees have a voice in how they carry out their work, they are more likely to feel valued and motivated. Managers can foster employee initiative, for example, by allowing employees to focus on their duties and only intervening when the plans are in contradiction with the company's principles and standards.[346]

Additionally, remuneration is the price of services rendered. Fair compensation is advantageous to both employers and employees in a productive workplace. Fair compensation for workers increases their level of satisfaction, which in turn encourages loyalty and productivity. Paying workers inadequately makes it harder for a company to recruit good employees. Offering commissions, performance bonuses, or retirement savings contributions to staff members are a few examples of compensation.[347]

---

343 *Ibid*.
344 *Ibid*.
345 *Ibid*.
346 *Ibid*.
347 Liu, W., & Liu, Y. (2022). The impact of incentives on job performance, business cycle, and population health in emerging economies. *Frontiers in public health, 9*, 778101.

Minimising employee turnover is the eleventh principle of Fayol's Management Theory. Any organisation should work to minimise staff turnover and increase efficiency. The new employees cannot be expected to get used to the culture of an organisation right away. They need to get trained enough and be given enough time to settle into their jobs to become efficient. Both old and new employees should also be ensured job security, and instability can lead to inefficiency. Also, the absence of job security leads to low performance in an organisation.[348]

The scalar chain is considered the twelfth principle of Fayol's Management Theory. This principle illustrates that there should be a chain of clear communication between employees and their superiors. They should know where to stand in the hierarchy of that department and who to go to in the chain of command. Also, the hierarchy of authority and interaction inside an organisation is represented by a scalar chain. In a professional collaboration, it indicates which positions have greater authority. Another term for a scalar chain is the idea of open communication between management and staff. By using the scalar chain, managers can enhance communication inside the company and determine who to call in specific circumstances.[349]

In addition, "esprit de corps", or team spirit, is the thirteenth principle of Fayol's Management Theory. A company's morale, or esprit de corps, is characterised by pride and loyalty among its members. By creating a collaborative atmosphere, managers may inspire staff to put in more effort and provide excellent results. Through establishing cordial working connections, inspiring loyalty, and recognising staff members who put in outstanding work, they can foster esprit de corps. To demonstrate collective esprit de corps, an organisation may organise a march to draw attention to a pressing issue. Although engaged and passionate personnel are more likely to have esprit de corps, esprit de corps gives a business a competitive edge.[350]

Eventually, the concentration of decision-making authority at the highest level of management is referred to as centralisation of authority. Centralisation enhances capacities and makes operations more efficient. In a moment of crisis, it additionally

---

348 Uzuegbu, C., & Nnadozie, C. (2015). Henry Fayol's 14 principles of management: Implications for libraries and information centres. *Journal of Information Science theory and practice, 3*(2), 58-72.

349 *Ibid*.

350 *Ibid*.

assists in prompt decision-making.[351]

To conclude the discourse on Fayol's Management Theory's fourteen guiding principles, one may examine how the misuse of authority might result in corrupt practices within an institution. Transgressions of values such as authority, accountability, unity of command, and compensation can create an environment that may be more conducive to corruption. By analysing the opportunities for corruption, one can establish a connection to strategies for combating it.

2.4 Gaps in the Current Body of Knowledge

This portion of the chapter examines the literature in accordance with the review presented in Chapter One, focusing on the factors that contribute to administrative corruption and diminish the effectiveness of anti-corruption laws in Afghanistan. While previous research has explored the roles of the media, economic conditions, electoral fraud, and various forms and levels of corruption, several gaps remain apparent. A significant portion of the existing literature relies on external observations and fails to adequately reflect the realities within Afghanistan.

Moreover, numerous studies have been conducted by organisations with short-term funding, whose objectives frequently prioritise their institutional agendas over the development of practical strategies aimed at effectively combating corruption. The literature often discusses corruption in broad terms, rather than specifically concentrating on administrative corruption.

Furthermore, it fails to provide a comprehensive framework for tackling anti-administrative corruption within the country. Alongside these gaps, this theoretical framework highlights that the Fraud Triangle Theory and Fayol's Management Theory provide valuable insights for understanding and tackling administrative corruption. While scholars have cited these theories either separately or in combination their systematic application in the fight against administrative corruption remains unexplored.

Thus far, no research has explored how these theories could collaboratively inform strategies for reducing administrative corruption or enhancing anti-corruption initiatives. As a result, considerable gaps remain in both context-specific analysis and

---

[351] *Ibid*.

the theoretical frameworks employed in the investigation of administrative corruption in Afghanistan. This research is essential for examining the factors that hinder the effective implementation of anti-administrative corruption laws. It also aims to investigate how Fayol's Management Theory and the Fraud Triangle Theory can be utilised to bolster efforts in reducing administrative corruption and reinforcing the rule of law in Afghanistan.

2.5 Thematic Framework for Analysis

To analyse administrative corruption in Afghanistan, this research employs a thematic framework based on conceptual, legal, and theoretical insights. It utilises Fraud Triangle Theory and Fayol's Management Theory while drawing lessons from international benchmarks such as Singapore and New Zealand. Six interrelated themes are central to this analysis:

Theme 1: Institutional Independence

a) Conceptual insight: Independent institutions are crucial for ensuring impartial enforcement and mitigating political influence.[352]
b) Fraud Triangle: A lack of independence heightens the "opportunity" for corruption.
c) Fayol's perspective: Establishing clear hierarchies and defined roles bolsters oversight.
d) Afghanistan context: Post-2021, oversight bodies have been disrupted; anti-corruption commissions are frequently politicised.
e) Benchmark lesson: Singapore's Corrupt Practices Investigation Bureau (CPIB) and New Zealand's Auditor-General function independently

Theme 2: Transparency

a) Conceptual insight: Open access to budgets and administrative processes reduces information gaps and helps prevent corruption.[353]
b) Fraud Triangle: Transparency limits the "opportunity" for corrupt activities.
c) Fayol's perspective: Standardized procedures and documentation decrease

---

[352] Mungiu-Pippidi, A. (2015). *The quest for good governance: How societies develop control of corruption*. Cambridge University Press.

[353] Bertot, J. C., Jaeger, P. T., & Grimes, J. M. (2023). Using ICTs to create a culture of transparency: E-government and social media as openness and anti-corruption tools for societies. *Government information quarterly, 27*(3), 264-271.

discretionary power.

d) Afghanistan context: Budget and procurement data are mostly inaccessible, and media restrictions block effective oversight.
e) Benchmark lesson: Singapore and New Zealand have comprehensive open-data systems.

Theme 3: Accountability

a) Conceptual insight: Enforcement and performance reviews are key to ensuring consequences for misconduct.
b) Fraud Triangle: Accountability reduces the rationalization of corrupt acts.
c) Fayol's perspective: Principles of discipline and unity of command clarify individual roles.
d) Afghanistan context: Enforcement is weak, and political interference is common, fostering a culture of impunity.
e) Benchmark lesson: Singapore and New Zealand conduct systematic investigations and audits to maintain accountability.

Theme 4: Ethical Leadership

a) Conceptual insight: Leaders significantly influence organizational culture and norms.[354]
b) Fraud Triangle: This framework lessens the rationalization of corrupt behaviour
c) Fayol's perspective: Strong leadership enforces discipline and adherence to established procedures.
d) Afghanistan context: Nepotism and patronage are widespread, leading to the normalization of corruption.
e) Benchmark lesson: Singapore and New Zealand practice merit-based hiring and ethics training to foster integrity.

Theme 5: Whistleblower Protection

a) Conceptual insight: Safe reporting channels are vital for revealing misconduct.[355]

---

354 Denhardt, R. B., & Catlaw, T. J. (1984). Theories of public organization. *(No Title)*.

355 Vandekerckhove, W., & Lewis, D. (2013). The content of whistleblowing procedures: A critical review of recent official guidelines. *Journal of Business Ethics, 108*(2), 253-264.

b) Fraud Triangle: Higher detection risk helps reduce rationalization.
c) Fayol's perspective: Formal reporting structures enable proper issue escalation.
d) Afghanistan context: Legal provisions exist but are ineffective, and fear of retaliation remains high.
e) Benchmark lesson: Singapore and New Zealand provide reliable anonymous reporting systems.

Theme 6: Enforcement Effectiveness

a) Conceptual insight: Strong capacity and adequate resources are necessary for effective law enforcement.
b) Fraud Triangle: Eliminating opportunities for corruption and reducing rationalization are essential.
c) Fayol's perspective: Standardized procedures and clear accountability improve enforcement.
d) Afghanistan context: Enforcement is weak, mainly due to political interference and resource shortages.
e) Benchmark lesson: Singapore and New Zealand's effective enforcement and risk-based oversight help reduce corruption.

The table below illustrates the six central themes of this chapter's discussion.

Table 2.1
Thematic Analysis Table

Theme	Afghanistan Current Situation	Benchmark (Singapore)	Benchmark (New Zealand)
Institutional Independence	Oversight bodies disrupted, political influence high, limited autonomy	CPIB fully independent, strong mandate	Auditor-General and oversight agencies independent, statutory safeguards
Transparency	Budgets, payrolls, and procurement opaque; media restricted	Open procurement, public reporting, ICT-based transparency	Open data, regular public audits, citizen access to records
Accountability	Weak enforcement, impunity, fragmented judicial system	High investigation & prosecution rates; consistent legal sanctions	Risk-based audits, performance evaluations, legal accountability
Ethical Leadership	Nepotism and patronage, weak ethics culture	Meritocratic recruitment, ethics training, leadership accountability	Values-based leadership, professional ethics programs
Whistleblower Protection	Mechanisms inactive; fear of reprisal	Anonymous reporting channels, strong protections	Confidential reporting, legal safeguards, systematic follow up
Enforcement Effectiveness	Limited resources, political interference, weak enforcement	Adequate resources, trained investigators, rapid prosecution	Preventive oversight, proactive risk management, structured enforcement

2.5.1 Integration with Theories

a) Fraud Triangle: It explains behavioural drivers, pressure, opportunity, and rationalisation behind persistent corruption.[356]

b) Fayol's Management Theory: Shows how organisational weaknesses exacerbate corruption and provides managerial strategies to strengthen administration.[357]

---

[356] Huang, S. Y., Lin, C.-C., Chiu, A.-A., & Yen, D. C. (2017). Fraud detection using fraud triangle risk factors. *Information Systems Frontiers, 19*(6), 1343-1356.

[357] Wren, D. A., Bedeian, A. G., & Breeze, J. D. (2002). The foundations of Henri Fayol's administrative theory. *Management Decision, 40*(9), 906-918.

This framework offers a structured perspective for analysing grand administrative corruption in Afghanistan. It connects conceptual definitions, legal provisions, organisational theory, behavioural dynamics, and international benchmarks.

2.6 Conclusion

This chapter has established the conceptual and legal framework essential for analysing grand administrative corruption in Afghanistan. It elucidates the statutory definition of administrative corruption as outlined in the 2017 Penal Code, the 2018 Anti-Corruption Law, and related provisions.

The chapter further demonstrated that the practical effectiveness of these laws is hampered by institutional weaknesses, inadequate oversight, and recent political turmoil. The chapter further illustrated that legal regulations alone cannot sufficiently explain or mitigate corruption. It emphasised the importance of behavioural and organisational theories, particularly the Fraud Triangle and Fayol's Management Theory, in understanding how economic pressures, structural opportunities, and administrative deficiencies contribute to the persistence of illicit practices within the bureaucracy. By identifying the main forms and determinants of bureaucratic grand corruption and outlining six core governance factors of independence, transparency, accountability, ethical leadership, whistleblower protection, and enforcement, the chapter provided an analytical lens for diagnosing systemic vulnerabilities. Comparative insights from Singapore and New Zealand emphasised that the success of effective anti-corruption strategies relies on the synergy between robust legal frameworks, competent institutions, and a culture of transparency in administration.

This conceptual and legal framework informs the subsequent chapter, which defines the development over time of Afghanistan's administrative law and the structural factors contributing to current governance challenges.

CHAPTER 3
HISTORICAL DEVELOPMENT OF THE ADMINISTRATIVE LAW

3.1 Introduction

Administrative law constitutes one of the central pillars of public law, focusing on the organisation, powers, limitations, and procedures of administrative authorities. In contemporary societies, administrative agencies wield considerable powers, encompassing the issuance of licences and permits, as well as the management of public finance, taxation, procurement, employment, and service delivery. As administrative authorities interact directly with citizens; therefore, they must function within a well-defined legal framework in their public lives, which guarantees accountability, transparency, fairness, and adherence to the rule of law. Researchers generally concur that administrative law serves to avert the capricious exercise of power, safeguard citizens' rights, and enforce institutional accountability among public officials.[358]

The development of administrative law has been shaped by the expansion of state responsibilities and the increasing complexity of public governance in the eighteenth, nineteenth, and twentieth centuries. As public administration expanded, the necessity for legal frameworks to govern state agencies and guarantee the responsible exercise of authority by public officials increased correspondingly locally. In contrast, internationally, experiences regarding administrative law vary significantly: some countries have codified their administrative procedures and established specialised administrative courts, while others have predominantly relied on judicial review conducted through ordinary courts. Notwithstanding these differences, administrative law has universally emerged as a crucial mechanism for limiting arbitrary authority, curbing corruption, and enhancing the legitimacy of the state.[359]

In Afghanistan, the development of administrative law has been shaped by a complex historical trajectory, marked by influences such as tribal governance traditions, Islamic jurisprudence, monarchy, constitutionalism, socialist rule, civil war,

---

358 Wade, W., & Forsyth, C. F. (2014). *Administrative law*. Oxford University Press, USA.

359 Rose-Ackerman, S., & Palifka, B. J. (2016). *Corruption and government: Causes, consequences, and reform*. Cambridge university press.

international intervention, and, most recently, the Taliban administration. Throughout these varied periods, the country has faced persistent challenges with administrative corruption.

Administrative authority misused for private gain, through bribery, nepotism, extortion, procurement fraud, or illicit taxation, has undermined state institutions and eroded public trust. Therefore, it is crucial to study the historical development of administrative law to understand why corruption persists and how to strengthen anti-corruption measures.

This chapter offers a thorough and expanded exploration of administrative law on a global scale. It outlines the principal models of administrative law worldwide, identifies the specific model adopted by Afghanistan, and traces the historical development of administrative law within the country. Furthermore, it provides a detailed, evidence-based analysis of the ways in which administrative corruption manifests within Afghan institutions.

This historical and analytical groundwork sets the stage for subsequent chapters that concentrate on the principles of administrative law and strategies for anti-corruption frameworks.

3.2 Definitions and Functions of Administrative Law

As discussed in the research background, administrative law is a branch of law under public law that governs the administration and regulation of government institutions and agencies, both central and local governments. The purpose of administrative law is to regulate and rectify administrative governance.[360] More precisely, administrative law deals with the legal framework that controls the activities of public agencies, ensures they follow the law, and gives people a way to contest illegal decisions or actions. In essence, it gives citizens a way to challenge government decisions in law and seek redress for their complaints.[361]

Administrative law gives legitimacy to state actions, and it is not limited to the authority of bureaucratic government.[362] Thereafter, this body of the law limits

---

360 Kingsbury, B. (2009). The concept of 'law'in global administrative law. *European journal of international law, 20*(1), 23-57.

361 Wade, W., & Forsyth, C. (2014). *Administrative law*. Oxford University Press, USA.

362 Hawke, N. (2013). *Introduction to administrative law*. Routledge-Cavendish.

administrative discretion and empowers administrative government. It is a legal process to illustrate to the government agencies to operate within the designed legal and administrative framework and exceeding that would be considered a violation of the law. It proceeds on how to distinguish administrative law from other branches of law. The development of administrative law reflects a larger modernisation movement and attempts to curtail state power, and the parliaments took the people's delegation to use to power on behalf of society.[363] The mentioned statement is the definition of the "Rule of Law"; administrative law regulates the government's duties, empowers and legitimates the government's actions, and controls it simultaneously. The rule of law is A cornerstone of many legal systems, including Afghanistan. In essence, it means that the law governs and holds everyone, including the government, accountable.[364]

Moreover, corruption has been defined in various ways, each lacking in some aspect. A significant amount of the time spent discussing corruption among academics, including Joseph Nye, was dedicated to the definition of corruption. Nye (1967) argued that corruption is conduct that departs from the official responsibilities of a public position to pursue private financial or prestige gains (personal, close family, or private clique) or to break laws prohibiting the use of specific forms of private influence.[365] However, based on the World Bank definition, corruption is the abuse of entrusted power by public servants.[366] Even though describing it may be challenging, recognising it upon observation is generally straightforward. In most instances, although not universally, different observers would concur on whether a specific behaviour indicates corruption.[367] Since most corrupt activities do not occur in broad daylight, they have a clandestine nature; it is very frequently difficult to witness the activity firsthand.

Furthermore, administrative law regulates the activities of government entities, which are frequently the target of corruption; administrative law and corruption are intertwined. Corruption, defined as the abuse of public office for private gain, can manifest in various administrative processes. Administrative procedures can be used to

---

363 Stott, D. (1997). *Principles of administrative law*. Routledge-Cavendish.

364 Bingham, L. (2007). The rule of law. *The Cambridge Law Journal, 66*(1), 67-85.

365 Nye, J. S. (1967). Corruption and political development: A cost-benefit analysis. *American political science review, 61*(2), 417-427.

366 Shihata, I. F. (1997). Corruption: A general review with an emphasis on the role of the World Bank. *Journal of Financial Crime, 5*(1), 12-29.

367 Tanzi, V. (1998). Corruption around the world: Causes, consequences, scope, and cures. *Staff papers, 45*(4), 559-594.

both prevent and uncover corruption, offering avenues for review and redress.[368]

Moreover, to address the shortcomings and inefficiency of the reactive approach to corruption and maladministration, new procedures have been implemented to prevent corruption and to support good governance and public integrity. Administrative law plays a crucial role in combating corruption since it regulates institutions to promote ethical norms among public officials, enhance transparency, prevent conflicts of interest, and keep them from turning into corrupt practices.[369]

3.3 Global Models of Administrative Law

This part of the chapter further explores the three main administrative law systems: civil law, common law, and mixed systems. It seeks to identify which model has historically shaped Afghanistan's administrative framework and continues to influence it today.

3.3.1 Civil Law Administrative Systems

Civil law countries, including France, Germany, and Italy, establish their administrative law on codified statutes and employ specialised administrative courts. France's Conseil d'État, established in 1799,[370] serves as a prominent model, advising the government and adjudicating administrative disputes within a distinct administrative judiciary.[371] Germany adopts a comparable approach with its Verwaltungsgerichte,[372] which assess the legality, proportionality, and consistency of administrative actions. In general, civil law systems emphasise comprehensive administrative procedure laws, structured decision-making processes, and clearly

---

368 Graycar, A. (2015). Corruption: Classification and analysis. *Policy and Society, 34*(2), 87-96.

369 Cerrillo-i-Martínez, A., & Ponce, J. (2017). Preventing corruption and promoting good government and public integrity.

370 France's Conseil d'État, instituted by Napoleon in 1799 (Constitution of the Year VIII), functions as the nation's highest administrative court and a vital legal consultant to the government.

371 Schwartz, B. (2016). *French administrative law and the common-law world*. The Lawbook Exchange, Ltd.

372 "Verwaltungsgericht", referred to as an administrative court or the administrative tribunal, is a specialised court that handles disputes between citizens and public authorities, covering areas like building permits, social benefits, or tax issues.

defined rights of appeal.[373]

3.3.2 Common Law Administrative Systems

Common law countries, including the UK, the US, Canada, and Australia, primarily develop administrative law through judicial decisions rather than through comprehensive legal codes. In these jurisdictions, courts interpret essential principles such as fairness, rationality, and procedural propriety, with judicial review playing a crucial role in monitoring administrative actions.[374]The US employs a hybrid approach to administrative law. Although, the Administrative Procedure Act of 1946 establishes fundamental rules for agencies, courts play a vital role in shaping administrative principles through case law. This dynamic interaction contributes to a system that remains flexible and continually.[375]

3.3.3 Mixed Administrative Law Systems

Mixed administrative systems, also known as hybrid administrative models, represent the third category of administrative frameworks, merging elements of civil law, common law, and occasionally customary or religious norms.[376] These systems may incorporate partial codification, allow for judicial review via ordinary courts, and exhibit administrative practices shaped by local traditions. While common in developing and post-colonial states, mixed systems, nonetheless, often face challenges related to legal coherence and enforcement.[377] Afghanistan serves as a notable illustration of a mixed administrative model. Researchers highlight that such hybrid administrative law systems frequently encounter challenges concerning coherence, enforcement capacity, and legal continuity.

---

373 Cane, P., Hofmann, H. C., Ip, E. C., & Lindseth, P. L. (2020). *The Oxford handbook of comparative administrative law*. Oxford University Press.

374 Wade, W., & Forsyth, C. F. (2014). *Administrative law*. Oxford University Press, USA.

375 Mashaw, J. L. (2018). *Reasoned administration and democratic legitimacy: How administrative law supports democratic government*. Cambridge University Press.

376 Mungiu-Pippidi, A. (2015). *The quest for good governance: How societies develop control of corruption*. Cambridge University Press.

377 *Ibid*.

3.4 Afghanistan's Administrative Law Model

Afghanistan follows a mixed administrative law system, shaped by Islamic law, civil law, customary law, and limited common law influence. Initially, historically, Islamic jurisprudence (Sharia) and customary practices, such as jirgas, were predominant in administrative and judicial processes, particularly in rural areas. In the twentieth century, Afghan kings implemented reforms influenced by civil law, drawing on models from Turkish, French, and Egyptian legal codes.[378] The post-2001 reforms integrated aspects of international administrative standards, especially concerning procurement and civil service management. Concurrently, customary authority structures continued to exert considerable influence over local administration.

In a nutshell, this mixture makes Afghanistan's administrative system highly pluralistic, but it also makes it fragmented. The absence of alignment among Islamic law, customary norms, and codified administrative laws engenders legal ambiguity that frequently facilitates corruption, discretionary misuse, and inconsistent application of administrative procedures.[379]

3.5 Historical Development of Administrative Law in Afghanistan

The development of administrative law in Afghanistan has encountered numerous challenges and periods of turmoil over the course of less than two centuries. This spans from the pre-modern administration characterised by tribal norms and Islamic authority to the current post-2021 Taliban administration. Hence, this portion of the chapter seeks to illustrate the development of administrative law in Afghanistan.

3.5.1 Pre-Modern Administration: Tribal Norms and Islamic Authority

The public administration in Afghanistan is still facing numerous challenges, such as the absence of a rule of law, a lack of institutional strategic planning, politicisation, and ethnic discrimination. Government agencies are characterised by a lack of transparency, nepotism, and concentration of power, especially in the judicial

---

[378] Kamali, M. H. (2003). *Law in Afghanistan: A study of the constitutions, matrimonial law and the judiciary* (Vol. 36). Brill.

[379] Sharan, T. (2022). *Inside Afghanistan: Political networks, informal order, and state disruption*. Routledge.

branch.

From a distant past, the legal system of Afghanistan was based mostly on religious tradition and regional customs. The Afghan religious scholars who pursued Islamic jurisprudence did so in Afghanistan, India, Tashkent, Bukhara, and Samarkand.[380] With this background, the roles of cadi (judge) and mufti (assistant judge) within the government were established. Some individuals also provided informal instruction in Islamic studies and served as religious leaders in Afghanistan. The formal framework for legal decisions was the court, which consisted of the cadis and muftis.

Moreover, the leaders of the tribes and sages were informally the sources of decisions for many cases. In those cases, the litigants respected their decisions and opinions, which were based on Afghan traditions.[381] The modernisation of Afghanistan's legal system began after the adoption of the Constitution of 1931. However, this constitution was based on religious customs and was modern in that it recommended that specific laws be enacted within the framework provided. As this constitution was followed, new laws were enacted dealing with the administration of affairs as well as with criminal, civil, and commercial cases. Nonetheless, the principles of law were taken from religious and national customs, and the Western influences were visible in the new theories of administrative, commercial, and procedural law applied in the making of new regulations. Afghanistan utilised the laws of Turkey, Germany, Switzerland, and France in enacting new laws.[382] Hence, in this period, Afghanistan framed new laws while maintaining its religious and national traditional values. A century ago, there was a significant movement of modernisation in which Afghan scholars lacking formal training in Islamic studies restructured the Islamic law into new chapters and articles that would facilitate the finding of specific rules and provide internal consistency. Before this period, different doctrines and interpretations made it difficult to ascertain the controlling provisions for numerous cases. Another issue, in addition to this, was the fact that the old sources of law were written in Classical Arabic, which made the Islamic law texts difficult for Afghans, who are mostly Persian-Dari speakers, to understand. In addition, officials have taken administrative decisions;

---

380 Ibrahim, A. (2021). Explainer: The Taliban and Islamic law in Afghanistan. *Al Jazeera, 23*.

381 Sirat, A. (1968). The modern legal system of Afghanistan. *Am. J. Comp. L., 16*, 563.

382 Alekseyeva, K., Birndorf, S., DeMott, J., Galvin, S., Hakimi, M., Perez-Sangimino, J. P., Rangchi, T., & Talent, M. (2017). *An Introduction to the Law of Afghanistan*. Stanford Law School.

however, in Afghanistan, administrative laws are unwritten and lack proper mechanisms for judicial oversight, caused by the instability of more than four decades of war.[383]

Studying legal history is crucial because current laws and regulations are affected by constitutions and governmental systems from the past. Principally, the Afghanistan legal system started in 1880, and it witnessed many changes over time. The regulation of Afghanistan's legal system and court system began when Abdul Rahman became Afghanistan's king.[384] Before Amir Abdulrahman's regime, judicial affairs operated independently of the government. Afghan judges received their training in religious centres (madrassas) and exclusively applied Islamic laws. This reflects a parallel with the earliest administrative procedures, which involved an inquest of inquisition, a concept rooted in Roman law.[385] As part of Abdul Rahman's effort to take political power from the provinces and strengthen the central government, he established a formal legal framework that enforced a new secular law, where the regulation is not based on religious beliefs. This law was called the law of royal edicts, which was an official order by the king himself.

During the Abdul Rahman regime, several reforms were done, and he began a program to consolidate the central government over the other states (before this reform, Afghanistan was a combination of four states: the State of Hazarajat, the State of Maymana, the State of Kandahar, and the Central Government of Kabul), enacting new laws and establishing the system of government.[386] The Afghan government was centralised during Abdul Rahman's regime, and until now this system of governance has existed in the country. The next major changes in the government system were brought by Amanullah Khan in 1923 through the constitution of 1923. In fact, in this constitution, the informal court system has been outlawed, and this is the first written constitution of Afghanistan.[387].

---

383 Faiez, N. (2022). Judicial Oversight on Administrative Decisions in Afghanistan. *Administrative and Environmental Law Review, 3*(2), 129-144.

384 Alekseyeva, K., Birndorf, S., DeMott, J., Galvin, S., Hakimi, M., Perez-Sangimino, J. P., Rangchi, T., & Talent, M. (2017). *An Introduction to the Law of Afghanistan*. Stanford Law School.

385 Lobingier, C. S. (1940). Historical Background of Administrative Law: The Inquest Procedure. *Notre Dame Law., 16*, 29.

386 Barfield, T. (2018). Afghanistan's political history: Prospects for peaceful opposition. *Accord, 27*, 15-19.

387 Monib, A. (2024). A historical look at the reforms of Amir Amanullah Khan. *Kunduz University International Journal of Islamic Studies and Social Sciences*, 149-164.

3.5.2 Constitutional Modernisation

The modern era of administrative law in Afghanistan commenced with the 1923 Constitution established under King Amanullah Khan. During Amanullah's rule, Afghanistan began an ambitious process of legalisation and centralisation that included the first writing of Afghanistan's constitution, which was enacted by the "Loya Jirga" (an assembly of regional leaders and tribal chiefs in Afghanistan), which took place in Jalalabad city in 1923. The constitutionally approved authority is the "Loya Jirga. This practice has continued since the constitution of 1923; traditionally, however, most Loya Jirgas since 1923 have been in Kabul.[388]

The constitution of 1923 was influenced by French and Turkish constitutions.[389] Howbeit, before Amanullah Khan seemed ready to create a written constitution, he understood that Afghanistan must not be controlled by any external forces, specifically the British. Hence, winning the war for independence in 1919 was crucial for him to expel the British from Afghanistan; finally, the British were expelled from Afghanistan in 1919. The first article in the first written constitution (constitution of 1923) of Afghanistan strongly acknowledged Afghanistan's independence: "Afghanistan is completely free and independent in the administration of its domestic and foreign affairs… all parts and areas of the country are under the authority of His Majesty the King and are to be treated as a single unit without discrimination between different parts of the country." This constitution has not provided for a legislative body and instead vested all law-enacting power in the hands of the king; the king could pass any law that he wanted to without approval from anyone else; consequently, it reduced the power of the religious courts and prohibited all courts outside the formal state courts. The centralisation of power in the central government made much circumscription for local and religious leadership at that time. It limited their power to resolve disputes and govern, leading local leaders to revolt against the king. Consequently, it led to a constitutional amendment in 1925, in the form of the "Loya Jirga," and the government has been more careful to be in contact with local sentiments before legal reforms. The major focus of the 1925 amendments to the Constitution of 1923 concentrated on

---

388 Saikal, A. (2002). Afghanistan after the Loya Jirga. *Survival, 44*(3), 47-56.

389 Ehler, R. L., Espinosa, E., Farrington, J., Ledeen, G., Lewis, D., & Jensen, E. G. (2015). *An introduction to the constitutional law of Afghanistan*. Stanford Law School.

reintegrating religion.[390]

Moreover, the next constitution of Afghanistan was enacted in 1931, after Habibullah Kalakani staged a coup against King Amanullah Khan and ruled briefly until he was killed by Nadir Shah, who was elected as king by the Loya Jirga in September 1930. His first order was to enact a new constitution in 1931.[391] The constitution of 1931 was based on the French and Turkish constitutions of that time. According to this constitution, Afghanistan's first legislative body was created with two houses: the Upper House (Majlis-ai'yan) and the National Assembly (Majlis-e-Shura-e-Mili), which still exist today, and only their names have been changed to Meshrano Jirga and Wolesi Jirga. Furthermore, Nadir Shah felt it was best to avoid the fate of Amanullah Khan and returned the power to the local leaders.

3.5.3 Administrative Law During Constitutional Monarchy

After Nadir Shah was assassinated in 1933, his son Zahir Shah was proclaimed king. Despite being the only figurehead from 1933 to 1973, he still wielded considerable power and was helped by a succession of prime ministers during the time. In May 1964, the constitutional committee presented the new constitution to the Loya Jirga members for their approval in Kabul. The constitution of 1964 has given the rights to the Loya Jirga to approve both the constitution and the monarch.[392] Based on this constitution, the prime ministers were voted on by parliament delegates, and this was the first period of true representative power in Afghanistan. Law had to be enacted by an elected parliament instead of being put into influence directly by the king. Notably, in this period, the most important reform passed by the National Assembly was a law permitting freedom of the press, which was known as freedom of communication expression through published sources (Committee to Protect Journalists, 2008).

Likewise, the Constitution of 1964 increased individual rights: freedom of thought and expression, protection of private property, formal equality of men and women and all ethnicities before the law, and a right to form political parties; however,

---

390 Pasarlay, S. (2018). Rethinking Afghanistan's longest-lived constitution: The 1931 constitution through the lens of constitutional endurance and performance literature. *Elon L. Rev., 10*, 283.

391 *Ibid*.

392 Qayum, H., Shah, Z., & Alam, J. (2017). Afghanistan in the historical perspective. *Global Political Review, 2*(1), 46-53.

this constitution's provisions were implemented weaklyLikewise, the Constitution of 1964 increased individual rights: freedom of thought and expression, protection of private property, formal equality of men and women and all ethnicities before the law, and a right to form political parties; however, this constitution's provisions were implemented weakly. Despite independent journalism not being explicitly prohibited, the media landscape in the country is predominantly controlled by state-owned outlets. This has been the case in Afghanistan for at least twenty-five years. The sole free press in Afghanistan thrived during the "decade of democracy" from 1963 to 1973, stopping abruptly with the ousting of King Zahir Shah.[393] The sole free press in Afghanistan thrived during the "decade of democracy" from 1963 to 1973, stopping abruptly with the ousting of King Zahir Shah.[394]

3.5.4 Administrative Law in Afghanistan During Communism

The Afghan government under communism represents another chapter in Afghanistan's legal history. In 1973, Daoud Khan, Afghanistan's first president, abolished the monarchy, overthrew King Zahir Shah, and established the country's first republic with support from elements of the Marxist group.[395] He ruled with prerogative powers and drafted his regime's constitution in 1977.

In 1978, the Daud Khan republic regime was overthrown by a military coup, and his constitution was never enacted due to the regime change. Daud Khan's constitution never took effect because, on April 27th, 1978, a military coup was carried out against his regime by the Revolutionary Party of the People's Democratic Republic of Afghanistan (PPDA). Following the coup, the government in Afghanistan was headed by Nur Muhammad Taraki. This development preceded the Soviet invasion of Afghanistan.[396] During PPDA, the government was replaced by a "Soviet-style Politburo," which was described as the main policymaking body of a communist state. Notably, the government was governed by decree from the central planning committee

---

393 Rubinstein, A. Z. (1982). The last years of peaceful coexistence: Soviet-Afghan relations 1963-1978. *Middle East Journal, 36*(2), 165-183.

394 Farivar, M. (1999). Dateline Afghanistan: Journalism under the Taliban. *New York: Committee to Protect Journalists*.

395 Farasoo, A. (2025). The complex context of proxy war in Afghanistan. In *Proxy war in Afghanistan* (pp. 44-68). Manchester University Press.

396 Agwani, M. (1980). The Saur revolution and after. *International Studies, 19*(4), 557-573.

rather than by legislation. The decrees granted equal rights to women and regulated land reform. This land reform redistributed about half of all rural land to landless peasants.[397]

The order regarding women's rights had a profound impact on the region. It established the marriageable age for women at sixteen and imposed a maximum limit of Afs 300 on the dowry payable to a wife, as well as in the event of the dissolution of her marriage.[398] Another decree mandated that every individual above a certain age learn to read within a year, a policy that faced considerable criticism in rural areas. Additionally, this period saw a revision of the existing laws by the communist politburo.[399] However, most of the criminal codes written under the Daud Khan regime were still used to prosecute crimes. In December 1979, the Soviet Union, also known as the Union of Soviet Socialist Republics (USSR), invaded Afghanistan. The Soviet Union coordinated support for Afghan Marxist Babrak Karmal, assassinated President Amin, and installed Karmal as the new president of Afghanistan.[400] Shortly thereafter, Karmal was succeeded by Mohammad Najibullah to quell the growing rebellion against the communist government.

In January 1987, Najibullah formed the Supreme Commission for National Reconciliation to draft a new constitution. In November 1987, the Loya Jirga passed a new constitution; it created a multiparty government with a legislature for which elections were held in early 1988.[401] With the rising tide of Mujahideen assaults, on February 15, 1989, the Soviet Union completed its withdrawal from Afghanistan according to the Geneva Accords. President Najibullah remained in power until 1992; however, his followers were a minority in the parliament. After the Soviet withdrawal, a power void was left in Afghanistan. When the power void occurs, no one is in control; the consequence is a lawless state. Hence, to prevent the power vacuum, an interim government was formed to rule the Islamic State of Afghanistan in 1992.[402] Nonetheless, the Islamic State of Afghanistan was just a state in name, as the interim government could not exercise control over the capital city of Kabul. One of the

---

397 Hughes, G. (2008). The Soviet–Afghan War, 1978–1989: An Overview. *Defence Studies, 8*(3), 326-350.

398 Halliday, F., & Tanin, Z. (1998). The communist regime in Afghanistan 1978–1992: Institutions and conflicts. *Europe-Asia Studies, 50*(8), 1357-1380.

399 Samady, S. R. (2001). Education and Afghan society in the twentieth century.

400 Newshour, P. (2011). A Historical Timeline of Afghanistan. *PBS NewsHour*.

401 Dunbar, C. (1987). Afghanistan in 1986: The balance endures. *Asian Survey, 27*(2), 127-142.

402 Tarzi, S. M. (1998). Afghanistan in 1992: A Hobbesian state of nature. *Ibid., 33*, 165-174.

Mujahedeen delegates, Burhanuddin Rabbani, seized executive power and introduced a new constitution in 1992. Unlike all prior constitutions, the 1992 constitution declared that the state was based on a Qur'anic verse, with sovereignty attributed to Allah.[403] This was a major change in the political landscape of Afghanistan, as Rabbani aimed to establish a government that aligned closely with Islamic principles. However, the implementation of this constitution faced numerous challenges, including ongoing factional conflicts and the struggle for power among rival groups. The Constitution of 1992 stood in stark contrast to the Constitution of 1964,[404] highlighting that sovereignty lay with the people.

The Constitution of 1992 also did not allow any role for codified law in the adjudication of disputes and the government of society. Conversely, the law was realised exclusively by an extremist interpretation of the Sharia.[405] The state was comprised of three executive bodies: the president, the Jihadi council, and the leadership council. The constitution of 1992, akin to Daoud Khan's constitution, failed to come into effect due to the prevailing anarchy and lawlessness within the Afghan government during that year. The central government in the capital lacked authority over the rest of the country, leading to numerous battles among various tribal groups vying for control of the government. As the war continued between tribes in the country, another movement began to win the battleground victories and obtained control of many towns outside of the capital. A group of religious students established the "Taliban" in 1994, led by Mohammad Omar. The Taliban caught the support of several refugees and religious students and was reportedly armed by the USA, financed by Saudi Arabia, and trained by Pakistan.[406]

In 1996 the capital had fallen into the hands of the Taliban, who controlled most of the Afghanistan territory. Afterwards, the Taliban formed their government in two cities: in Kabul and Kandahar. The Taliban stated that their government aimed to free the country from corruption and claimed that they established a pure society in accordance with Islamic principles. In the beginning, the Taliban government strove to root out corruption and create order. Those efforts were successful; the cycle of battling

---

403 Thier, J. A. (2006). Making of a Constitution in Afghanistan, The. *NYL Sch. L. Rev., 51*, 557.
404 Afghanistan. (1964). *Constitution of Afghanistan*. Franklin Book Programs.
405 Thier, J. A. (2006). Making of a Constitution in Afghanistan, The. *NYL Sch. L. Rev., 51*, 557.
406 Rubin, M. (2002). Who is responsible for the Taliban. *Middle East review of international affairs, 6*(1), 1-16.

between mujahedeen was stopped in parts of Afghanistan, and commuting routes were reopened, although the Taliban's orders were created by depriving people of their basic rights, such as the right to access education, and imposing intense punishment. Under the Taliban government, there was an absence of impartial judges, a separation of powers, accessible laws, and procedural justice.[407] Furthermore, under their rule, the previous institutions of government, including ministries, schools, economic bodies, and other public services, were rendered ineffective due to a lack of professionalism and political will.

3.5.5 Afghan Legal System Under the First Taliban Rule

It is contended that during the Taliban's regime, women were denied any rights. This suppression extended to their education and employment opportunities, severely restricting their ability to participate in society.[408] The consequences of such policies have had lasting effects, impacting generations of women and their families. In 1997, the Taliban ordered a nationwide ban on public education for all women and girls; it resulted in women's literacy rates throughout the country falling significantly to 13 percent in urban zones and 3-4 percent in rural areas,[409] which were the lowest literacy rates in the world. Foreign support to the country was minimised because of the Taliban's orders aimed at expelling foreign non-governmental organisation (NGO) workers from the country. For example, on 10 July 2000, the Taliban mandated that all foreign aid organisations must expel their female Afghan employees. Moreover, during that regime, the enforcement of the law was inconsistent and sporadic. The situation in Afghanistan remained unchanged from 1998 to 2001.

The regions under Taliban control were governed by edicts, as previously discussed, while other areas of Afghanistan remained beyond their reach, leading to ongoing conflict between the Taliban and various resistance groups. As a result, the evolution of administrative law regressed during the Taliban's rule. This regression not only hampered legal development but also contributed to widespread human rights

---

407 Maley, W. (2002). The Rise and Rule of the Taliban, 1994–2001. In *The Afghanistan Wars* (pp. 218-250). Springer.

408 Barr, H. (2024). The Taliban and the Global Backlash Against Women's Rights. *Georgetown Journal of International Affairs*.

409 Noori, H. (2022). Taliban ban Afghan women from university education. *The Guardian*.

abuses, as the lack of a coherent legal framework allowed for arbitrary decisions and oppression. Consequently, the Afghan populace faced significant challenges in accessing justice and maintaining basic freedoms. On September 11th, 2001, Osama bin Laden and al-Qaeda attacked the USA; the history of Afghanistan changed. It is because of the Taliban connection to al-Qaeda. After the attack on the USA, it responded to the Taliban by invading Afghanistan with the aim of removing the Taliban from power. The USA and its allies took control of the country in November 2001.[410]

3.5.6 Post-2001 Rebuilding and Administrative Reform

Administrative law was essential to the country's governance during the Islamic Republic of Afghanistan, as all official decisions and activities were subject to judicial scrutiny and restrictions. Important aspects were the establishment of administrative bodies, judicial supervision, and the principle of the rule of law.[411] In December 2001, the United Nations (UN) agreed to monitor a meeting in Bonn, Germany.[412] Rather, to remove powerful warlords and tribal leaders from the process, all anti-Taliban figures in Afghanistan were included; the final format from that meeting is known as the "Bonn Agreement," which has become controversial among Afghan society nowadays. Based on this agreement, an interim government was created, and most of the warlords accepted power. After the interim government, in 2004 the new constitution was passed by the "Loya Jirga," and the presidential election was conducted. The constitution of 2004 was a combination of 7 chapters and 172 articles. Based on that constitution, the Afghan government is made up of three bodies: the executive under the president's administration, the legislative combining of the houses (the Upper House and the National Assembly), and the judiciary, which is the separation of power.[413]

Therefore, this part of Chapter Three seeks to analyse the national and international initiatives implemented to combat administrative corruption in post-2001 Afghanistan, as well as their effectiveness in reducing corruption.

---

410 Malkasian, C. (2021). *The American war in Afghanistan: A history*. Oxford University Press.
411 Ayobi, M. (2022). Judicial Control of Public Administration in Afghanistan: A Contextual Analysis.
412 Authority, A. A.-r. I., & Jirga, C. L. (2019). BONN AGREEMENT 2001.
413 Hamidi, F., & Jayakody, A. (2015). Separation of Powers under the Afghan Constitution: A case study. *Kabul: Afghanistan Research and Evaluation Unit, 16*.

3.5.7 International Initiatives to Address Administrative Corruption in Afghanistan

The most important international document to combat corruption is the UNCAC, which was adopted during the UN Conference in Merida, Mexico, in 2003. The Afghan government acceded to the Convention on 16 February 2005.[414] The National Assembly ratified it on August 25, 2008.[415] After joining this convention, the Afghan government translated its text into Dari and Pashto and published it in the Official Gazette No. 936 dated 15 June 2007. UNCAC requires countries to fulfil important obligations.[416] These obligations include:

3.5.7.1 Preventive Measures against Administrative Corruption

Chapter 2 of the UNCAC is dedicated to preventive measures. This Convention identifies preventive measures as the first category of measures in combating corruption.[417] The Convention recommends the following preventive measures in combating corruption:

3.5.7.2 Policy Coordination and Enacting Successful Laws

One of the key strategies for fighting administrative corruption is that governments must establish clear, transparent, and decisive laws to effectively combat it. Additionally, they need to have a coherent and coordinated policy on this issue. A crucial element of a successful anti-corruption strategy is having an effective administrative unit. Relying on multiple government agencies that operate without coordination and even engage in competition or interfere with each other may not be

---

414 Network, A. A., & Bjelica, J. (2019). Afghanistan'Anti-Corruption Institutions: Too many, and with too few results.

415 Singh, D. (2016). Anti-corruption strategies in Afghanistan: An alternative approach. *Journal of Developing Societies, 32*(1), 44-72.

416 Drugs, U. N. O. o. (2004). *United Nations convention against corruption*. UN.

417 Rose, C., Kubiciel, M., & Landwehr, O. (2019). *The United Nations convention against corruption: A commentary*. Oxford University Press.

the best approach to tackling corruption within the administration.[418]

3.5.7.3 Preventive Measures against Corruption in the Public Sector

The public sector is one of the key areas where corruption can threaten society. Therefore, it is essential to prevent corruption in this sector. Article 7 of the UNCAC urges governments to take appropriate action in this area. This includes creating codes of conduct for employees in both the public and private sectors.[419]

3.5.7.4 Observing the tax Administration and Procurement Departments

One of the most important ways to prevent administrative corruption is to control and monitor the procurement and tax payment sectors. Reports indicate that there is widespread corruption in procurement and taxation in many countries. If procurement officials are corrupt, they will present cheaper and poor-quality goods to the administration at a higher price, and as a result, they will pocket the difference themselves. Similarly, in the tax administration, if tax officials are corrupt, they will deal with taxpayers and give them large amounts of tax in return for receiving bribes.

3.5.7.5 Public Access to Information

Freedom of expression and access to information are among the fundamental rights of the people. Freedom of expression and information are considered important factors in creating transparency in the administrative system and increasing public confidence and trust in the government. Administrative corruption usually grows more quickly in closed societies because the freedom of the mass media, which is an important means of information, is faced with restrictions and censorship. The fear of corrupt individuals being disgraced and harming their personality and social status, that society may find out about their corruption, is a deterrent to the spread of administrative

---

418 Bateman, C. (2023). A Problem We Fueled: Learning Lessons from Corruption in Afghanistan. In *The Great Power Competition Volume 4: Lessons Learned in Afghanistan: America's Longest War* (pp. 15-35). Springer.

419 Pond, W. (2012). United States Response to UNCAC Articles 7-9 (CU 2012/28 (A) and CU 2012/82 (A)/DTA/CEB Part I).

corruption. Article 10 of the UNCAC states that member states are recommended to adopt procedures and create facilities to give the public access to information related to administrative organisations, their performance, and decision-making concerning administrative affairs, while preserving personal and private confidentiality.[420]

Moreover, according to Article 34 of the Afghan Constitution, every citizen is guaranteed the right to free expression, which enables people to express their ideas by writing, speech, and other channels. The freedom to print and publish without prior censorship is part of this right.[421] However, there are restrictions about the national interest and individual privacy, as well as other constitutional rules that must be followed.

3.5.7.6 Adopting Necessary Measures in the Justice Sector

Independence and integrity in the judiciary and the prosecution are some of the factors preventing administrative corruption. Article 11 of the UNCAC urges that member states establish regulations on the conduct of judicial personnel. Such practices exist in the Islamic Republic of Afghanistan, but the administrative corruption in these institutions is considered due to the failure to implement these practices, not their absence.[422]

3.5.7.7 Preventing Corruption in the Private Sector

Combating corruption in the private sector is as important as in the public sector. The reason behind this is that if the fight against corruption is limited to the government sector and the private sector is forgotten, such a fight is incomplete because it is obvious that the existence of corruption in the private sector also spreads to government institutions. The UNCAC has emphasised combating corruption in the private sector in

---

420 Drugs, U. N. O. o. (2004). *United Nations convention against corruption*. UN.

421 Khalvatgar, A. M. (2014). Freedom of Expression Under Threat in Afghanistan? *Stability: International Journal of Security and Development, 3*(1), 38-38.

422 Singh, D. (2016). Anti-corruption strategies in Afghanistan: An alternative approach. *Journal of Developing Societies, 32*(1), 44-72.

addition to the government sector.[423]

3.5.7.8 Society Participation in Combating Corruption

One of the conditions for success in the fight against corruption is the participation of society in combating corruption. "Participatory criminal policy"[424] is one of the important areas in the discussion of criminal policy that discusses the participation of society in the fight against crime. If the government does not involve society in the fight against crime, it will be left alone and will fail. The Covenant against Corruption considers the role of non-governmental institutions, such as civil society and other social organisations, as important in the fight against corruption.

3.5.7.9 Measures to Prevent Money Laundering

The UNCATOC has made special efforts to combat organised crime, money laundering and the proceeds thereof; establishing a comprehensive administrative supervisory system, establishing an information unit as a national centre for collecting, analysing and distributing information related to money laundering, and establishing practical measures to detect and monitor the illicit transfer of capital or cash and securities are among the preventive measures mentioned in Article 14 of this Convention.[425]Afghanistan is a signatory to this protocol and is following its provisions in controlling organised crimes.[426]

3.5.7.10 Good Governance and Anti-Corruption Initiatives

There have been numerous obstacles to overcome when putting into practice an anti-corruption strategy that calls for the overlap of established institutions. Reducing corruption is the responsibility of several institutions. These institutions must overlap

---

423 Ghiasy, R., Zhou, J., & Hallgren, H. (2015). *Afghanistan's Private Sector: Status and ways forward*. SIPRI.

424 Participatory criminal policy aims to involve the public and stakeholders in developing and implementing criminal justice policies.

425 Rose, C. (2020). The creation of a review mechanism for the UN Convention Against Transnational Organized Crime and its protocols. *American Journal of International Law, 114*(1), 51-67.

426 Assembly, U. G. (2025). United Nations convention against transnational organized crime and the protocols thereto.

and combine their unique tactics and strengths in addition to being connected. When the shortcomings of certain institutions have impeded the advancement of others, anti-corruption initiatives have frequently failed.[427] This is especially noticeable in systems that favour the prosecution of low-level actors over high-level authorities, have an excessive dependence on legal remedies, or lack strong leadership. There are a variety of approaches that have been put forth to demolish administrative corruption in Afghanistan. Based on the several semi-structured interviews with anti-corruption experts, national and international organisations, civil society groups, and ministries in Kabul between 2015 and 2016, researchers propose strategic attempts such as combining morality and religion and providing local leaders with empowerment to combat corruption using a sixfold method involving raising awareness, prevention, prosecution, and investigation with sanctions towards those who violate the rules, detection, a cooperative counternarcotics strategy, and connecting religion.[428]

Moreover, corruption in Afghanistan implies daily bribery to access the basic public services and helps corruption, which causes the poor to suffer severely. Civil servants, public sector employees, and law enforcement officials, including police and judges, frequently solicited bribes to expedite transactions, a practice often viewed as survival-based corruption to offset their low salaries. Notably, judges earned relatively high salaries, with some even receiving super-scale salaries[429] possessing insufficient skills but based on their connections with corrupt politicians during the U.S.-backed government, which resulted in capturing a portion of the government.

Furthermore, one of the approaches to combat corruption in Afghanistan was EU Security Sector Reform (SSR). The objective of SSR was to put good governance principles into practice in the security sector. SSR has focused on government and non-government actors involved in the provision of security, management, and oversight and emphasised the links between their roles, responsibilities, and actions.[430] The EU engaged in aspects of SSR through the European Union Police Mission (EUPOL)

---

427 Stapenhurst, R., & Kpundeh, S. J. (1999). *Curbing corruption: Toward a model for building national integrity*. World Bank Publications.

428 Singh, D. (2016). Anti-corruption strategies in Afghanistan: An alternative approach. *Journal of Developing Societies, 32*(1), 44-72.

429 The minimum salary there was 1,251 USD, excluding their regular salaries, which were provided under the UN talent programme in Afghanistan, mostly to those who had strong connections with politicians during the past two decades.

430 Sedra, M. (2006). Security sector reform in Afghanistan: The slide towards expediency. *International peacekeeping, 13*(1), 94-110.

Afghanistan in 2007. Studies on the EU and other European and international actors' efforts at police reform highlighted a set of internal and external coordination challenges that hamper reform mission success.[431]

Internally, institutional limitations have meant that the coordination of instruments has been difficult to obtain. In the meantime, member states have, up until recently, concentrated mainly on their military contributions to the International Security Assistance Force (ISAF) or their bilateral contributions to police and justice reform in the cases of Germany and Italy, respectively.

Externally, the resource gap and contrasting philosophies underlying police reform on the part of the US as the biggest donor to police reform and the EU have meant that coordination has been lacking and existing coordination bodies were unable to fulfil their tasks.[432] Insufficient resources deployed in pursuit of police reform exacerbate these difficulties, since inadequate commitments of political, material, and personnel resources all constantly translate into a loss of political influence at the strategic level. The SSR process in Afghanistan has encountered numerous challenges, including a lack of strategy. It lacked a comprehensive strategy and was reactive, focusing on quantitative goals instead of qualitative ones. Corruption: The lack of resources and an inadequate salary payment system made government institutions vulnerable to corruption.

Donor agendas: The coherence of reform efforts was undermined by rivalries, mistrust, and competing donor agendas. Short-term solutions instead of long-term solutions, such as creating the Afghan Public Protection Force (APPF). APPF was created to replace private security companies. APPF was intended to decrease the number of foreign security contractors in Afghanistan and increase security accountability and transparency. However, there are arguments that the APPF was not ideal due to a lack of adequate training and a lack of ownership; the development mission for the APPF was owned by a North Atlantic Treaty Organisation (NATO)-led coalition and temporary organisations, such as ISAF. This resulted in a high employee turnover rate, hampered institutional memory continuity, and over-reliance on borrowed capabilities; the Afghan security forces became excessively reliant on borrowed capabilities because American troops were more effective at fighting. This

---

431 Gross, E. (2009). *Security Sector Reform in Afghanistan: the EU's contribution* (Vol. 78). European Union Institute for Security Studies Paris.

432 *Ibid*.

meant that the Afghan security forces had not gained sufficient training and experience fighting on their own.[433]

The militarisation of the SSP was another challenge on the reform path. The use of military personnel for police training voiced concerns about the militarisation of the police. Moreover, fragmentation of anti-corruption approaches and lack of public administration reform undermined the entire justice system and put the success of international actors at risk. Hence, there are numerous highlights of the SSR process. Some of the arguments suggested that the Afghan government should own the SSR process; others argued that a comprehensive long-term SSR strategy was needed to bring about tangible results.[434]

Furthermore, numerous international conferences have been held to provide solutions on how to prevent administrative corruption in Afghanistan. Since the Taliban were overthrown in 2001, the international community has engaged in the reconstruction of Afghanistan. Following the election of an Afghan government in 2004, state and international institutions forged a new partnership, the Afghanistan Compact, at the London Conference in 2006 to follow up on the Bonn process. The Afghanistan Compact sought to continue, in the spirit of the Bonn, Tokyo, and Berlin conferences, to work toward a sustainable and prosperous Afghanistan with good governance and human rights protection for all under the rule of law. It is widely acknowledged that the security situation in Afghanistan was deteriorating and that the fragmentation and lack of overall strategy in the approach of the national and international actors engaged in the country have put the success of international efforts at reconstructing Afghanistan at risk. There has been much discussion about the necessity of developing a shared strategy, increasing military spending, and improving international cooperation. In addition to ensuring security, strengthening governance must be a major goal of foreign involvement in Afghanistan.[435]

The Paris Conference (2008), which was Afghanistan's overarching strategy for encouraging development, generating wealth, and reducing poverty and vulnerability, aimed to implement the Afghanistan National Development Strategy (ANDS) to obtain

---

433 Krahmann, E., & Friesendorf, C. (2014). *Undermining human security: private security companies, the APPF, Militias and Auxiliary Police in Afghanistan* (Vol. 128). DEU.

434 Naimpoor, S. (2020). *NATO's Security Sector Reform in Afghanistan* The University of Western Ontario (Canada)].

435 Gross, E. (2009). *Security Sector Reform in Afghanistan: the EU's contribution* (Vol. 78). European Union Institute for Security Studies Paris.

the objectives of the Afghanistan commitment to serve Afghan security, economic development, and human rights in every corner of the country and to combat administrative corruption and assist counter-narcotics efforts.[436]

In addition, the second subsequence approach, which addresses good governance, strengthening the rule of law, and human rights, emphasised the need for the Afghan government to improve internal accountability and transparency. This included implementing meritocratic appointments in the public sector, including the civil service, police, and judiciary, in order to combat corruption and uphold the rule of law and human rights.[437] According to the ANDS, gender inequality is pervasive, the judiciary and human rights enforcement are underdeveloped, corruption is rampant, legal enforcement to carry out the laws is appalling, public institutions in Afghanistan are young, and "parliamentary oversight" is weak.[438]

Additionally, the third approach acknowledged the importance of counter-narcotics, private sector expansion, and a liberal market in advancing the nation's economy and eliminating the threat the drug industry poses to both international security and the Afghan government.[439] One of the driving factors of corruption is the cultivation, harvesting, and selling of drugs; hence, the Afghan government was instructed to significantly reduce the cultivation and smuggling of drugs with the cooperation of neighbouring countries. In addition, the Afghan government has committed to supporting international interdiction efforts, providing alternative livelihoods for farmers, enforcing zero tolerance for official corruption, and improving law enforcement. Like the Afghanistan Compact, the ANDS acknowledged that significant barriers to security and development include excessive centralisation, public sector corruption, and infiltration by individuals with ties to the drug industry. The international community has tried to combat corruption despite it by prescribing anti-corruption measures like the anti-corruption road map. The anticorruption road map for Afghanistan is centred on strengthening its leadership with the international committee,

---

436 Roberts, R. (2009). *Reflections on the Paris Declaration and aid effectiveness in Afghanistan*. Afghanistan Research and Evaluation Unit Kabul.

437 Coordination, J., & Board, M. (2006). Implementation of the Afghanistan Compact. *Bi-Annual Joint Coordination and Monitoring Board (JCMB) Report. November. http://www. a-acc. org/docs/JCMBBi-Annual ReportNov2006English. pdf*.

438 Sherman, J. (2009). The Afghan National Development Strategy: the right plan at the wrong time. *Journal of Security Sector Management, 7*(1), 1-9.

439 Research, & Degrowth. (2010). Degrowth declaration of the Paris 2008 conference. *Journal of cleaner production, 18*(6), 523-524.

increasing public awareness, mainstreaming anticorruption throughout the government, strengthening the use of the law to combat corruption, and developing the country's ability to carry out the UNCAC.[440] The road map was created by the UN, the Asian Development Bank (ADB), the UK Development Agency, and the World Bank for the Afghan government to efficiently use its assets in combating corruption. Baryal (2022), who focused on preventing corruption in customs, argues that there has been a significant increase in customs corruption in Afghanistan over the past few years.[441] According to his analysis, avoiding the involvement of warlords, members of the National Assembly, and central and provincial officials, avoiding discrepancies in customs duties, reducing the number of oversight bodies in Afghanistan's tax and customs departments, and utilising the central customs control system will facilitate the adoption of sensible measures to lessen and eliminate corruption in Afghan customs.[442] The public administration in Afghanistan is still facing formidable challenges such as corruption, lack of professionalism, weak rule of law, lack of institutional strategic planning, politicisation, and ethnic discrimination in the workplace and even in public. All public institutions, including the judicial system, are characterised by a lack of transparency and a concentration of power.[443]

Alongside the approaches taken by the government and various organisations to prevent administrative corruption in Afghanistan, researchers have highlighted the significance of professionalism, the reinforcement of the rule of law, and the establishment and maintenance of transparency within public administration. Yusufzada (2019) suggests that the Afghan government needs a professional team with strong political leadership and a commitment to combat administrative corruption, ethnic discrimination, non-transparency, and inefficiency to strengthen an effective administrative system and sustainable development.[444]

Based on the international initiatives and support, the Afghan government has implemented local initiatives to combat administrative corruption. The following

---

440 Bewley-Taylor, D., Eventon, R., & Southwell, M. From Bad to Worse?

441 Baryal, B., Patang, G., & Sharaf, S. (2022). Preventing Corruption in the Customs of Afghanistan. *Integrated Journal for Research in Arts and Humanities, 2*(6), 52-58.

442 Patang, G., Baryal, B., & Sharaf, S. Preventing Corruption in the Customs of Afghanistan.

443 Murid Partaw, A. (2023). The failure of democracy in Afghanistan. *British Journal of Middle Eastern Studies*, 1-20.

444 Yusufzada, S., & Xia, Z. (2019). Public administration in Afghanistan: challenges and way forward. *Open Journal of Social Sciences, 7*(6), 142-160.

discussions will focus on these local efforts against corruption in Afghanistan.

3.5.8 National Initiatives to Address Administrative Corruption in Afghanistan

This section of the chapter discusses the measures and strategies that the Afghan government has implemented to combat administrative corruption. These initiatives include enhancing transparency in public procurement processes and establishing independent oversight bodies to monitor government activities.

3.5.8.1 Enacting Anti-Corruption Laws

Although a set of illegal activities currently classified as administrative corruption crimes were included and criminalised in previous criminal laws, including the Penal Code of 1976, this encompassed bribery, embezzlement, breach of trust, theft, destruction of documents, violations by public officials, exceeding legal authority, forgery of duties and titles, and fraud. However, specific legal regulations to combat administrative corruption crimes were first approved in the country on July 6, 2004, by the Council of Ministers under the name "Bribery and Administrative Corruption Act". After being signed by the President, it was published in the Official Gazette on October 11, 2004.[445] Subsequently, other specialised legislation, such as the Covenant Against Administrative Corruption, the Law Monitoring the Implementation of the Anti-Corruption Strategy, the Penal Code, the Protection of Whistleblowers of Administrative Corruption Act, and the Combating Administrative Corruption Law, were also adopted and enforced.

3.5.8.2 Combating Bribery and Administrative Corruption Act

Initially, the Bribery and Administrative Corruption Act was enacted in 2004. According to provisions in Article 50, Paragraph 3 of Article 75 of the Constitution, the Independent General Directorate for Combating Bribery and Administrative Corruption

---

[445] McDevitt, A. (2016). Afghanistan: Overview of Corruption and anti-corruption with a Focus on Development Assistance. *U4 Anti-Corruption Resource Centre*, 1-16.

was established on 15 December 2003. To achieve its goals, this office prepared the Law on Combating Bribery and Administrative Corruption. This law contained 3 chapters and 15 articles and was approved by the Council of Ministers on 27 September 2004 and published in the Official Gazette No. 838 on 11 October 2004.[446] What makes this law noteworthy is the distinction between bribery and other crimes of administrative corruption, as the second part of Article 3 (terminology section) defines bribery as a concept contained in Articles 254 to 267 of the Penal Code. Then, in the third part of the same article, it defines administrative corruption as an illegal act carried out by government employees and other public service officials to achieve personal or group goals and benefits. This part of the same article also lists its examples as embezzlement and treachery, theft of documents, destruction of official papers and documents, exceeding the limits of legal authority (i.e., acting ultra vires), using the government facilities and official time for personal matters, refusal and abdication of duty without legal excuse, concealment of the truth, forgery and falsification of documents, pretending to have the authority to perform or refuse to perform matters that are not the duty of the public service officer, exceeding the limits of legal authority, accepting any kind of gift to perform work in related matters, undue delay in performing the assigned duty, misconduct of public service officers towards individuals, illegal intermediation, involving ethnic, regional, religious, linguistic, partisan, sexual, and personal considerations in selection and employment.[447] It is important to consider that this law did not contain any criminal provisions, but rather, in its Article 12, the punishment of perpetrators of crimes listed is referred to the Penal Code of 1976. This article has a major flaw, as it is stated: "If the Penal Code and other laws do not provide for punishment, the court has the authority to impose Tazir[448] on the perpetrator according to the circumstances," while the judges do not have the authority to impose Tazir without legal stipulation. To conclude, these five categories of criminal activities include concealment of the truth, refusal of duty without legal excuse, undue delay in performing assigned duties, illegal intermediation, and incorporating ethnic, regional, religious, linguistic, partisan, gender, and personal considerations in selection, which were crimes that were considered administrative corruption crimes in this law, but no

---

446 *Ibid*.

447 *Ibid*.

448 Ta'zir retribution is the penalty for actions that do not carry specific legal repercussions, such as violating public interests.

punishment was determined for them. Rather, Paragraph Two of Article 12 of this law deferred the punishment to the judge, while the judge does not have the authority to impose punishment on anyone unless it is provided for in the law.

3.5.8.3 Covenant Against Administrative Corruption

The second legal document against corruption is the Covenant Against Administrative Corruption. The Convention Fighting Against Corruption is an international document to combat administrative and financial corruption in the world, which was adopted during the United Nations Conference in Merida, Mexico, in 2003,[449] this is the reason it is referred to as the "Merida Convention". The Government of Afghanistan acceded to this convention on 20 February 2004. After being ratified by parliament and signed by the president, this pact was published in the Official Gazette on 15 January 2008 in issue No. 936.,[450] under the title of Covenant for the Fight Against Administrative Corruption.

3.5.8.4 Law on Supervision of the Implementation of the Anti-Corruption Strategy

The third law enacted in fighting administrative corruption is the Law on Monitoring the Implementation of the Anti-Corruption Strategy. This law contains five chapters and 22 articles. It was issued on July 21, 2008, through a legislative decree and published on July 29, 2008, in the Official Gazette. Additionally, based on Article 2 of this decree, the Independent Office for Combating Bribery and Administrative Corruption was dissolved, and the High Office for Oversight of the Implementation of the Anti-Corruption Strategy was established in its place.[451]

3.5.8.5 Penal Code

The fourth law that addresses the fight against corruption is Penal Code 2017.

---

449 UN. (2004). United Nations convention against corruption. *United Nations Office on Drugs and Crime*.

450 Joutsen, M. (2011). 16 The United Nations Convention Against Corruption. *Handbook of global research and practice in corruption*, 303.

451 Singh, D. (2016). Anti-corruption strategies in Afghanistan: An alternative approach. *Journal of Developing Societies, 32*(1), 44-72.

The Afghanistan Penal Code, which was published in the Official Gazette on 15 May 2017 and came into effect nine months after its publication, according to the first paragraph of Article 916 thereof. This law, outlined in Chapter Four of Book Two, consists of 12 sections, specifically Articles 370 to 460, which criminalise acts classified as administrative corruption crimes. The crimes outlined include bribery, embezzlement, abuse of influence, abuse of office or position, illegal asset accumulation, electoral offences, fraud, extortion, misconduct by public service officials, torture, impersonation of duties and titles, tampering with seals, theft, and the destruction of official documents and papers. It has been described in 12 chapters and has determined the penalties for their perpetrators.[452]

3.5.8.6 Protection of Whistleblowers of Administrative Corruption Crimes Act

The fifth enacted law for combating administrative corruption in Afghanistan is the Protection of Whistleblowers of Administrative Corruption Act. Helping in arresting and bringing to justice the perpetrator of administrative corruption is a pressing societal need. For this reason, the Law on the Protection of Whistleblowers of Administrative Corruption Crimes, which is organised into five chapters and consists of 33 articles, came into force following its approval by the Council of Ministers, the signing by the President, and its publication in the Official Gazette on 9 October 2018.[453]

3.5.8.7 Anti-Corruption Act 2018

The sixth piece of legislation for combating administrative corruption is the Combating Administrative Corruption Law. NUG to intensify the process of combating administrative corruption crimes and regulate it as best as possible, such as clarifying the duties and powers of the departments involved in combating administrative corruption, establishing coordination between the relevant departments, integrating their activities, providing the basis for public participation in combating administrative

---

452 *Ibid*.

453 McDevitt, A. (2016). Afghanistan: Overview of Corruption and anti-corruption with a Focus on Development Assistance. *U4 Anti-Corruption Resource Centre*, 1-16.

corruption, and finally realising the provisions of the UNCAC. The Anti-Corruption Law was enacted into five chapters and forty articles through a legislative decree and published in the Official Gazette on 10 October 2018.[454]

3.5.9 Establishing Dedicated Divisions to Combat Administrative Corruption

The Afghanistan government has established numerous institutions to combat administrative corruption, along with other justice and judicial institutions, which are explained below.

3.5.9.1 Independent Anti-Bribery and Corruption Bureau

The Independent Anti-Bribery and Corruption Bureau was the first department established to combat administrative corruption. This office was established based on provisions in Article 50 and Part 3 of Article 75 of the Constitution on 15 December 2003. This office prepared the Law on Combating Bribery and Administrative Corruption. This law came into force after being approved by the Council of Ministers and signed by the President and was published in the Official Gazette.[455] The purpose of establishing this office, along with its duties and responsibilities, is outlined in Articles 4 and 5 of this law. Article 9 stipulates that government departments must cooperate to achieve the objectives set forth in this law regarding the combat against bribery and administrative corruption.

3.5.9.2 The High Office of Oversight and Anti-corruption

At the international conference held in Paris on June 16, 2008, which brought together representatives from sixty-five countries and about twenty international organisations and institutions, the Afghan delegation promised the conference members that they would fight decisively against administrative corruption. Based on this

---

454 Meng, C., Ghafoori, N., & Yolchi, J. (2025b). Foreign intervention, executive corruption, and economic growth in Afghanistan. *Contemporary South Asia*, 1-18.

455 Cyrus, S. A. (2014). *The Major Crimes Task Force-Afghanistan: a case study and examination of implications for future FBI capacity building programs* Monterey, California: Naval Postgraduate School.

commitment, the High Authority for Supervision of the Implementation of the High Office of Oversight and Anti-corruption (HOOAC) was established on 18 November 2008.[456] HOOAC was the primary body responsible for overseeing and coordinating national efforts to fight corruption. HOOAC monitored the progress of government institutions in implementing anti-corruption measures. The HOOAC replaced the previous General Independent Administration for Anti-Corruption.[457]

HOOAC, as the highest coordinating and supervising agency for the implementation of the strategy for reforming the administrative system and combating corruption at the national level, this agency was independent in its operations and accountable to the President.

3.5.9.3 Anti-Corruption Criminal Justice Centre

On June 30, 2016, following two years of discussions among the leaders of the NUG, a centre to combat corruption in the nation was established. President Ghani has formally inaugurated the Anti-Corruption Criminal Justice Centre (ACJC) to eradicate corruption and prosecute government personnel implicated in corrupt activities. Allegedly, this centre was comprised of police, prosecutors, and judges from the Ministry of Interior, the Attorney General's Office, and the courts. Police were to detect corruption, prosecutors were to prosecute criminals, and judges were to pass verdicts, all in the same centre, in a transparent manner under one leadership and management.[458]

3.5.9.4 Supreme Council for the Rule of Law

The Supreme Council for the Rule of Law and the Fight against Administrative Corruption was established based on the provisions of Articles 7, 64, and 75 of the Constitution by Presidential Decree No. 94 on 17 August 2016. This council was established to reform and strengthen the justice and judicial system based on the rule of law, respect for human rights, access to justice, law reform, and an effective,

---

456 Roberts, R. (2009). *Reflections on the Paris Declaration and aid effectiveness in Afghanistan*. Afghanistan Research and Evaluation Unit Kabul.

457 Singh, D. (2016). Anti-corruption strategies in Afghanistan: An alternative approach. *Journal of Developing Societies, 32*(1), 44-72.

458 Brooks, C., & Trebilcock, C. (2017). Fighting for Legitimacy in Afghanistan: The Creation of the Anti-Corruption Justice Center. *Prism, 7*(1), 108-117.

decisive, and comprehensive fight against all types of administrative corruption.[459] The text of this presidential decree also emphasises that the establishment of this council signifies the government's serious commitment to tackling administrative corruptio.

3.5.9.5 Special Anti-Corruption Secretariat

The next department established during the Islamic Republic government to combat corruption is the Special Anti-Corruption Secretariat. It is argued that to strengthen and better coordinate its related affairs, the Supreme Council for the Rule of Law and the Fight against Administrative Corruption established the Special Anti-Corruption Secretariat within the framework of the Deputy Directorate of Policy, Supervision and Review of the General Directorate of the Office of the President on 6 June 2017. This secretariat, comprising a group of experts, operates in five sections: supervision of key ministries; revenue and expenditure; central and special decisions of the Supreme Council for the Rule of Law; the fight against administrative corruption; communications; and review and evaluation.[460]

3.5.9.6 Anti-Corruption Commission

To attain the objectives delineated in the Anti-Corruption Law of 2018, Article 6 of this law mandates the establishment of the Anti-Corruption Commission (ACC). According to this article, ACC, which is independent in its operations, is responsible for matters related to preventing administrative corruption and coordinating and monitoring the fight against administrative corruption. It reports on its performance to the President, Parliament, and the people of Afghanistan quarterly.[461]

3.5.10 Post-2021 Taliban Administration

Afghanistan's government has been consistently listed as one of the top 10 most

---

459 *Ibid*.
460 Bjelica, J. (2019). Afghanistan's Anti-Corruption Institutions: Too many, and with too few results. *Afghanistan Analysts Network*.
461 *Ibid*.

corrupt for over two decades.[462] However, the nation has moved past its dubious standing this year, and the Taliban claims this credit. While the Taliban have funded and opened thousands of new religious seminaries across Afghanistan that are exclusively for boys and young men, they have closed secondary schools and universities for girls and women.[463] According to Transparency International, a Berlin-based nongovernment corruption watchdog, in its most recent annual corruption perception index, which was released, Somalia was ranked 180th out of 180 states, and Denmark was ranked as the least corrupt. Although Afghanistan, under Taliban rule, is now ranked 162nd, a notable improvement from its 2021 ranking of 174th.[464] Afghanistan was placed 180th in 2011, at the height of American military and development involvement in the country, behind North Korea and Somalia. Afghanistan was placed 180th in 2011, at the height of American military and development involvement in the country, behind North Korea and Somalia.[465] Remarkably, the regime's improved ranking comes despite widespread condemnation for its mistreatment of women and the press, which has rendered it deeply authoritarian and misogynistic. Nonetheless, it does not fully acknowledge the Taliban's contributions to eradicating Afghanistan's pervasive corruption. Samantha Nurick, Transparency International's communication manager, argued that there are numerous anecdotes of the Taliban consolidating their revenue collection and of the demand for bribes declining, but there is insufficient concrete proof of a systemic decline in corruption in the nation.[466]

Moreover, Samantha Nurick, Transparency International's communication manager,[467] argued that obtaining trustworthy information from inside Afghanistan was very challenging, and thus, the score change is not statistically significant, so it should not be interpreted as an improvement in the situation on the ground.[468]

Furthermore, some argue that the Taliban, since assuming power in 2021, have

---

462 Bulgrin, C. (2020). *When Aid Replaces Ideology: Corruption as a Hegemonic Device in Post-Taliban Afghanistan* The Ohio State University].

463 Hikmat, C. A., & Ahmadi, R. (2023). The Impact of University Closures on Students' Motivation After the Fall of the Afghan Government by the Taliban.

464 Budsaratragoon, P., & Jitmaneeroj, B. (2024). A critique on the Corruption Perceptions Index: An interdisciplinary approach. *Socio-Economic Planning Sciences, 70*, 100768.

465 Alfaro, E. (2022). Understanding the corruption perceptions index. In *Modern Indices for International Economic Diplomacy* (pp. 233-270). Springer.

466 Kheladze, B., & Zahir, N. (2024). Corruption Issues in Afghanistan: How Did Corruption Enable the Taliban to Gain Control in Afghanistan? *Confluences Méditerranée, 129*(2), 125-138.

467 Dawi, A. (2023). Can The Taliban Tackle Corruption in Afghanistan. *Voice of America*.

468 *Ibid*.

significantly reduced bribery and extortion, particularly in certain public services.[469] William Byrd, a senior researcher, also contended that the Taliban have shown they are capable of significantly lowering corruption at roadblocks and in customs.[470] And in an optimistic assessment of the Afghan economy under Taliban rule, the World Bank declared that in the first three quarters of 2022, revenue collection was robust, currency exchange was stable, and exports were high. However, fighting corruption has given the financially isolated Taliban government financial lifelines as it faces severe international banking and economic sanctions. The Taliban claims that during the last ten months, their substantial tax revenues have reached US$1.7 billion, but they have not disclosed how or where they have spent the scant national funds. They have funded and opened thousands of new religious seminaries across Afghanistan that are exclusively for boys and young men while closing secondary schools and universities for girls and women.[471] Although corruption persists at various levels of Afghanistan's public sector, most people must pay for basic services like obtaining a passport; for instance, some individuals reported paying as much as US$3,000 for a passport during the Taliban regime.[472] Despite the Taliban profiting millions from issuing passports, senior Taliban leaders demonstrate a willingness to combat corruption. The Taliban's supreme leader claims to seldom indulge in worldly pleasures. He and his close associates prioritise the fight against corruption on both moral and material fronts; however, they lack any systematic measures to address corruption in the country.[473] The international fight against corruption and for transparency faces multiple challenges. While progress has been made in raising awareness and enacting reforms, significant gaps remain in implementation and enforcement, particularly in the face of powerful vested interests and systemic corruption. Corruption can also undermine climate action and other global goals.

Since the Taliban regained power in August 2021, Afghanistan's administrative landscape has undergone significant changes. The 2004 Constitution, along with

---

469 Quadri, S. A., Ahmadi, A., Madadi, S., Qaderi, S., & Lucero-Prisno III, D. E. (2022). Taliban takeover of Afghanistan: what will be its impact on healthcare? *Medicine, Conflict and Survival, 38*(2), 109-115.

470 *Ibid*.

471 *Ibid*.

472 Bateman, C. (2023). A Problem We Fueled: Learning Lessons from Corruption in Afghanistan. In *The Great Power Competition Volume 4: Lessons Learned in Afghanistan: America's Longest War* (pp. 15-35). Springer.

473 Semple, M. (2023). The Taliban in 2024. *Stability: International Journal of Security and Development, 3*(1), 36-36.

numerous formal administrative laws, has been suspended. Governance is now carried out through decrees issued by Taliban authorities, characterised by limited transparency and a lack of institutional oversight. and independent oversight bodies established during the post-2001 era have either been dissolved or rendered ineffective, while civil service positions are predominantly allocated based on ideological loyalty. Despite the Taliban's public assertions regarding their commitment to reducing corruption, there is compelling evidence indicating that administrative corruption continues to thrive under the new regime. Reports from independent observers indicate that bribery and extortion persist at border crossings, customs revenues are recorded inconsistently, and local officials are involved in informal taxation. Without a codified legal framework and independent oversight, administrative procedures lack transparency, allowing corruption to manifest in new ways.

The Taliban's ruling further complicated the legal landscape with the imposition of their interpretation of Shariah and Islamic justice. The post-Taliban reconstruction efforts led by the international community have faced challenges, especially in reconciling foreign models of justice with traditional practices since 2001.[474]

3.5.11 How anti-Corruption Efforts were Undermined in Afghanistan

After analysing the anti-corruption laws, including the UNCAC approved in 2007, the Penal Code 2017, and the 2018 Anti-Corruption Law, regarding the general nature of administrative corruption crimes, the following conclusions have been reached: To effectively combat administrative corruption, necessary measures have been taken at the international and national levels, and the measures that the government of the Islamic Republic of Afghanistan has taken in this area include:

Initially, the government enacted several anti-corruption laws, including the Combating Bribery and Administrative Corruption Act 2003, joined and ratified the UNCAC, implemented the Law Monitoring the Anti-Corruption Strategy 2008, updated the Penal Code in 2017, established the Protection of Whistleblowers of Administrative Corruption Act 2018, and introduced the Combating Administrative Corruption Law 2018.

---

[474] De Lauri, A. (2013b). Law in Afghanistan: A critique of post-2001 reconstruction. *Journal of Critical Globalization Studies*.

Moreover, establishing dedicated divisions to combat administrative corruption, including the Independent Anti-Bribery and Corruption Bureau, the High Office of Oversight and Anti-Corruption, the Anti-Corruption Criminal Justice Centre, the Supreme Council for the Rule of Law, the Special Anti-Corruption Secretariat, and the Afghanistan Anti-Corruption Commission.

Furthermore, the NUG unveiled a national strategy for combating corruption, which was implemented until 2021.

In addition, international initiatives that address corruption in Afghanistan relied on the two international convention of the UNCAC and UNTOC, and the following measures have been taken to combat corruption at the international level include preventive measures against administrative corruption, enacting laws and policies against corruption, preventive initiatives against corruption in the public sector, observing the tax administration and procurement department, public access to information and necessary measures in the judiciary, combating corruption in the public sector, community participation in combating corruption, preventive measures to control money laundering, criminalisation of administrative law internationally, international cooperation, recovery of assets and creating a financial unit. This part of the chapter seeks to explore the reasons behind the failure of anti-corruption efforts, alongside the rationale previously discussed regarding anti-corruption laws in Afghanistan. This analysis is central to one of the research questions: "What factors have contributed to the ineffectiveness of anti-corruption initiatives in Afghanistan?" Therefore, this section of the research will critically examine each of the initiatives.

3.5.11.1 Absence of a Zero Tolerance Culture Towards Corruption

The lack of a zero-tolerance policy towards crimes, especially those related to administrative corruption, is a significant factor contributing to the law's poor performance. The Constitution of 2004 clearly states the government's obligation to assist citizens in obtaining and protecting their rights. It requires that the government maintain public law and order and eliminate administrative corruption. Since the fall of the Taliban in 2001, the international community has actively participated in the reconstruction efforts in Afghanistan. Combating administrative corruption was the key element in reconstruction programmes. In 2004, following the Afghan government, international institutions, and individual countries, a new partnership was formed as

“the Afghanistan Compact” at the London Conference to follow the Bonn process in 2001. The international community has organised various conferences focused on Afghanistan's reconstruction and anti-corruption efforts. Notable examples include the International Conference in Berlin in 2004, the International Anti-Corruption Conference in Paris in 2008, and the Tokyo Conference on Afghanistan in 2012. Additionally, numerous other international conferences and initiatives have been held to promote stability and prosperity in Afghanistan, with an emphasis on good governance. The Afghan government implemented anti-corruption strategies; distinctly, the NUG, which took power after the 2014 election, declared to fight against corruption. This government pledged to enforce the Constitution and institute the rule of law across the country. NUG set up the ANSCC and enacted the Anti-Corruption Mechanism 2016, the Anti-Corruption Act 2018, and the Anti-Administrative Corruption Crimes and Supporting the Whistleblowers Act 2019 for the purpose of ending administrative corruption and restoring citizens’ trust in government.

Moreover, the NUG recognised the existing threat of administrative corruption to Afghanistan’s development. NUG put combating corruption at the top of its plan for enhancing governance and enforcing the rule of law. ANSCC was formed by the diagnosis that the key drivers of administrative corruption were institutionalised capture, impunity, aid fragmentation, and the operation of several development agencies in one sitting, raising questions about the potential for corruption and coordination issues. ANSCC illustrated that the net result of institutionalised capture and corruption has widened the gap between citizens and the state. Afghanistan’s anti-corruption strategy aimed to rebuild citizens’ trust that their government and its officials were acting in the public interest.

Furthermore, according to the government’s diagnosis, government officials working together to deceive the public was one of the primary causes of corruption. Therefore, besides the ANSCC’s diagnoses of corruption in Afghanistan, current research findings highlight several factors contributing to administrative corruption in Afghanistan, including a lack of political will against corruption, a lack of a coherent anti-corruption strategy, judicial impunity, foreign-backed strategies, nepotism, warlord interventions, the proliferation of anti-corruption agencies, and the influence of clan systems that undermine anti-corruption laws. The issues mentioned are explored in further detail below:

3.5.11.2 Lack of Political Will

When political and public figures are prepared to commit precious time, funds, energy, and political capital to make tangible changes, they are prepared to take risks and incur opportunity costs, which implies that they are exhibiting political will. The President Ghani administration asserts that it instils political will, institutionalises it through the ANSCC, and gives priority to political leadership. In practice, it resulted in the opposite. In the 2019 election, two years after implementing the ANSCC, both presidential candidates (Ashraf Ghani and Abdullah Abdullah) claimed victory. The election official results were delayed for months as electoral authorities recounted and audited the ballots. After months of recounting the ballots, Ghani was declared the winner.[475] The opposing candidate refused to concede. Months of negotiations resulted in an agreement on a power-sharing deal. The agreement stated that Ghani would serve as president, and the opposing election candidate would lead peace talks with the Taliban on behalf of the government as the Chief of the High Council for National Reconciliation, as well as make cabinet appointments. The relationship between the two leaders and their teams was described as "horrible".[476] They wasted time on constant internal arguments over issues like who sits in which office. Their dispute continued to weaken democratic governance, affecting the appointment of cabinet members and provincial roles, and kept "acting ministers" in place until the government collapsed in August 2021. However, the Acting Ministers Act 2009 stipulates that acting ministers must receive approval from the House of the People within a maximum of 30 days. "This law prohibits anyone from serving as an acting minister in a ministry for more than one month."[477]

Ghani and his faction devised a governance strategy; he managed to centralise power and marginalise his faction while bringing younger individuals into his administration. He appointed dual citizenship holders as ministers and heads of departments, including the acting president of "Da Afghanistan Bank" (DAB),[478] the acting governor and advisors. Even though their dual nationality nomination had been

---

475 Johnson, T. (2021). The 2019 afghan presidential election: An assessment of problematic processes and results. *Afghanistan, 4*(1), 19-46.

476 Graham-Harrison, E. (2020). Ghani Declared Winner of Afghan Electionbut Opponent Rejects Result. *The Guardian, 19*.

477 *Acting Ministers Act* 2009, Art.1.

478 The Da Afghanistan Bank serves as the central bank of Afghanistan.

rejected by parliament, they remained as acting ministers, while Article 72 of the Constitution states, "The individual appointed as minister shall have only the citizenship of Afghanistan; if the ministerial candidate has the citizenship of another country as well, the House of People shall have the right to approve or reject the nomination."[479] Appointing dual citizenship holders led to a lack of commitment toward Afghanistan and its citizens, which caused the foreign passport holders who had been appointed as ministers and advisers to leave the country even before August 2021. Hence, building political will is crucial to consolidate the rule of law and combat corruption in Afghanistan.

3.5.11.3 A Lack of Overlap in Anti-Corruption Strategies

The anti-corruption strategies that have been implemented in Afghanistan were supported by foreign donors. ANSCC was adopted by the Ghani administration and adopted in line with recommendations from the SIGAR. There was a perception that this strategy was obtaining the president's and his team's goals rather than being a roadmap for freeing the country from administrative corruption.[480] Donor agendas have jeopardised progress towards combating administrative corruption in Afghanistan. The effectiveness of anti-corruption initiatives and reforms has been undermined by rivalries, distrust, and conflicting objectives among donors. However, the Ghani administration claimed to institutionalise the anti-corruption culture through the implementation of the ANSCC; conversely, there was a lack of a zero-tolerance culture against corruption in government departments. ANSCC has not been immune to corruption, without a coherent analysis of why certain activities take priority and how they are linked. Thus, anti-corruption strategies may turn into wish lists of benevolent but ineffective actions. Consequently, without a robust framework for accountability and transparency, efforts to combat corruption may falter, rendering the ANSCC's initiatives largely symbolic rather than transformative. To achieve meaningful change, it is essential to establish a comprehensive approach that addresses the underlying

---

479 *Constitution 2004,* Art. 72.

480 Bateman, C. (2023). A Problem We Fueled: Learning Lessons from Corruption in Afghanistan. In *The Great Power Competition Volume 4: Lessons Learned in Afghanistan: America's Longest War* (pp. 15-35). Springer.

issues and fosters genuine commitment from all levels of government.

3.5.11.4 Impunity in Judiciary

The research background and literature indicate that impunity within the Afghan judiciary constitutes a significant issue. The judiciary is marked by a prevailing culture of impunity and a significant absence of accountability, particularly concerning individuals in positions of influence and power, which undermines transparency. This issue is compounded by the effects of conflict and warlord control, which have led to the dismissal of judges and prosecutors, the dismantling of legal institutions, and a reduction of access to justice, particularly in rural areas.

The failure to tackle impunity and the absence of accountability in the fight against administrative corruption has resulted in disillusionment and dissatisfaction among Afghans, thereby exacerbating corruption. Anti-administrative corruption strategies, such as the ANSCC, have not effectively addressed the issue of impunity, which has become entrenched over time due to Afghan society's endorsement of the "status quo." Afghans possess a robust commitment to transparency and anticipate that their law enforcement agencies will uphold this principle. Nonetheless, the anti-corruption strategies have not adequately met this expectation.

3.5.11.5 Foreign Backed Strategies

Chapter Two's analysis highlights that most development programmes in Afghanistan have received financial support from foreign organisations over the past twenty years. The effectiveness of these programmes has been influenced by the interests of foreign donors. Development projects have been given to private contractors, mostly based on the donor's recommendations that eliminated transparency and fuelled corruption.

Moreover, most of the foreign development aid was poured in large amounts in a short time without a stable system to monitor it. Foreign donors focused on short-term solutions, such as creating the Afghan Public Protection Force in March 2012 to facilitate the escorting of military supplies to Afghans. The Afghan Public Protection Force personnel were trained for a short time and assigned to vital duties without

obtaining enough training and experience, which widened the gap between people and the government and increased dissatisfaction towards the government's people protection programmes.

Furthermore, corruption in Afghanistan undermined the delivery of basic services, facilitated the production and trafficking of drugs, and fuelled instability. However, in the short term, official development aid has prevented the collapse of Afghan fundamental functions; donors' highly fragmented and poorly implemented stabilisation and democratisation efforts have strengthened the structure of "neo-patrimonialism"[481] governance and enabled a parallel structure of service to develop. Therefore, it is necessary to localise the development programmes and reforms by implementing a coherent anti-corruption strategy.

3.5.11.6 Nepotism and Warlords Interventions

Afghan society is typically seen as collectivistic, which means that family necessities and welfare come before personal preferences. According to external observers, there is a perception that officials in Afghanistan prioritise looking after their own interests. Nepotism and cronyism have existed at all levels of government as well as in non-government organisations. Ministers, governors, or organisation chiefs try to give key positions to family and friends who owe them loyalty, while they should pay attention to their professional and educational background. Nepotism has posed a significant obstacle to the Afghan government's anti-corruption laws and strategies and undermined its good governance. The public administration suffers from a lack of transparency and professionalism, with widespread ethnic discrimination and concentration of power.

Furthermore, the integration of warlords into the policy-making process has contributed to the formation of a neopatrimonialism system that blends bureaucracy with patronage networks. This system makes legitimacy and support within networks, excludes population segmentation, and opposes reform efforts. The interventions of warlords, members of the National Assembly, and provincial officials have undermined efforts in customs reforms and reduced oversight in the taxation system. It is necessary;

---

[481] Neo-patrimonial governance is a hybrid system of authorities in which personal relationships and material inducements significantly impact state administration, rather than official rules or statutes.

nepotism ought to be replaced by meritocracy, and when the government appoints individuals to a high-ranking post, their professional background should be considered to uphold the law and strengthen the rule of law in Afghanistan.

3.5.11.7 Ambiguous Anti-Corruption Laws

The Combating Bribery and Administrative Corruption Act was introduced initially; this law did not contain any criminal provisions, but rather, in its Article 12, the punishment of perpetrators of crimes listed is referred to the Penal Code of 1976. This article has a major flaw, as it is stated: "If the Penal Code and other laws do not provide for punishment, the court has the authority to impose Tazir on the perpetrator according to the circumstances, while the judges do not have the authority to impose Tazir without legal stipulation. To conclude, these five categories of criminal activities include concealment of the truth, refusal of duty without legal excuse, undue delay in performing assigned duties, illegal intermediation, and incorporating ethnic, regional, religious, linguistic, partisan, gender, and personal considerations in selection, which were crimes that were considered administrative corruption crimes in this law, but no punishment was determined for them. Rather, paragraph 2 of Article 12 of this law deferred the punishment to the judge, while the judge does not have the authority to impose punishment on anyone unless it is provided for in the law.

Moreover, the crimes listed in Article 3 of the Law on Supervision of the Implementation of the Anti-Corruption Strategy include seventeen types, but this law has not determined a punishment for the crimes, nor has it deferred the punishment of their perpetrators to the Penal Code. The question is, under the Law on Supervision of the Implementation of the Anti-Corruption Strategy, which was in force from 2008 to 2017 (about nine years), according to which law did the courts determine to punish the perpetrators of administrative corruption crimes?

Furthermore, Article 5 of the Anti-Corruption Act 2018 considers sorts of acts and behaviours as administrative corruption crimes; nevertheless, it has not specified punishment for them. It was determined that the perpetrators of administrative corruption crimes would receive punishments according to the Penal Code provisions. However, the contention is that the Penal Code has regulated the crimes of administrative corruption in Chapter Four, Book Two, in 12 chapters (Articles 370 to 460), but the Anti-Corruption Act 2018 has excluded some acts that the Penal Code

considers to be administrative corruption crimes and instead has included other crimes in the list of administrative corruption crimes that are not considered administrative corruption crimes in the Penal Code.

In addition, all these new laws were passed through presidential legislative decrees, and this practice was not compliant with the UNCAC, which Afghanistan ratified on 25 August 2008. Articles 5, 6, and 36 of the UNCAC suggest that the independence and accountability of anti-corruption institutions be enshrined in law rather than executive decrees (which can readily establish such a body and then disband it),[482] even though they do not mandate the development of a specific anti-corruption statute.

3.5.11.8 Impaired Anti-Corruption Entities

According to Article 6 of the Anti-Corruption Law 2018, the Anti-Corruption Commission reports on its performance to the President, parliament, and the people of Afghanistan quarterly. The structure of the member selection process for the Commission, as detailed in Articles 7, 9, and 10 of this act, raises concerns and invites criticism. Initially, Article 7 of the Anti-Corruption Act 2018 states that the Anti-Corruption Commission shall consist of five members and professional and administrative staff, with the chairman and deputy chairman elected from among the members by a majority vote for a term of three years.[483] The election of the chairman and deputy chairman of the commission for a three-year term is open to criticism. It is because each chairman and deputy chairman had gaps and shortcomings in their first term due to a lack of sufficient experience. If they could be elected in the next term, they could eliminate those gaps and shortcomings because they have learnt from the first tenure.

Moreover, Article 9 of this law stipulated the nomination procedure for membership of this Commission as follows:

---

482 Schweiger, R. (2018). AFGHANISTAN'S FIGHT AGAINST CORRUPTION-From Strategies to Implementation.

483 *Afghanistan Anti-Corruption Act 2018*, Art. 6.

a) The Supreme Court, the Ministries of Justice and Women's Affairs, the Attorney General's Office, and the Afghanistan Independent Human Rights Commission, each with five people, and relevant civil society organisations involved in combating administrative corruption shall introduce twenty-five qualified individuals as specified in Article 8 of this Law, in coordination with relevant provincial institutions, following the procedure approved by the aforementioned authorities and institutions, to the Independent Commission for Administrative Reforms and Civil Service for registration for membership of the Anti-Corruption Commission.
b) The Independent Administrative Reform and Civil Service Commission shall evaluate the aforementioned documents and individuals, considering the conditions provisions in Article 8 of this law, shall present a list of at least fifteen qualified persons to the President for selection.[484]

Initially, the monopoly of commission members on government officials has blocked the way for non-government individuals who have knowledge, experience, skills, and expertise and have deprived them of membership in the Anti-Corruption Commission, while, according to the last paragraph of Article 50 of the Constitution, individuals with equal conditions have equal rights. Therefore, any person who is eligible for membership in the Anti-Corruption Commission has the right to apply for this membership, whether he is a government or non-government person.

> *The citizens of Afghanistan are employed for State services based on qualification without any kind of discrimination and in accordance with provision of law.*[485]

Secondly, there is a possibility that the nomination of individuals by government institutions (the Supreme Court, the Ministries of Justice and Women's Affairs, the Attorney General's Office, and the Afghanistan Independent Human Rights Commission) is done selectively, and the eligibility requirements are not properly observed. The reason for this is that, according to Paragraph 3, Article 6 of the Anti-Corruption Act 2018, the Anti-Corruption Commission is independent in its operations.

---

484 *Afghanistan Anti-Corruption Act 2018*, Art. 9.
485 *Constitution 2004,* Art. 50.

While the appointment of the members of this commission by the president raises concerns about its independence, because there is no doubt that whoever is indebted to someone, whether they like it or not, must comply with the circumstances of the person who is owed it, and as a result, they cannot carry out their duties independently.

Thirdly, the nomination of 25 individuals by civil society organisations focused on combating administrative corruption appears to be exaggerated, as these organisations are likely to nominate people who are already affiliated with them. What will happen to qualified individuals who are not current employees of government institutions (the Supreme Court, the Ministries of Justice and Women's Affairs, the Attorney General's Office, or the Afghanistan Independent Human Rights Commission) and those who are not members of civil society organisations?

3.5.11.9 Institutional Multiplicity

The presence of several anti-corruption bodies within a country or region denotes the presence of multiple agencies or entities tasked with combating corruption. The approach, also known as institutional multiplicity, may involve multiple bodies with overlapping or complementary responsibilities, with the objective of broadening the avenues for detecting, investigating, and punishing corrupt practices.[486] The battle against corruption gradually rose to the top of the post-2001 state-building agenda, as it was seen as one of the main obstacles to Afghanistan's growth and stability.[487] Within three years following the Taliban's downfall, the Afghan government enacted a law against bribery and corruption in 2004 and ratified UNCAC. In the same year, the Independent Anti-Bribery and Corruption Bureau, the first anti-corruption organisation, was established. This organisation had wider-ranging responsibilities, including investigating all cases of bribery and corruption. Nevertheless, its head, Azzizulah Ludin, politicised its activities and allegedly exploited it for political ends.[488] Based on

---

[486] Gumisiriza, P., & Mukobi, R. (2024). Anti-corruption institutional multiplicity. *Journal of Management and Public Policy Studies, 15*(1), 91-108.

[487] Barakat, S., & Ponzio, R. (2021). A Step-by-Step Roadmap for Action on Afghanistan. *CHS-Stimson Center Policy Brief. https://chs-doha. org/en/Publications/Documents/CHS-Stimson-% 20Policy% 20Brief*.

[488] In 2002, Ludin served as Herat's governor. But Ludin was compelled to leave the city because Ismail Khan, the governor of Herat at the time, did not acknowledge his authority. Ludin was first selected as an advisor by President Karzai upon his return to Kabul, and he later became the director general of the Independent Anti-Bribery and Corruption Bureau. Afghanistan's first anti-corruption organisation was the Independent Anti-Bribery and Corruption Bureau. It was founded, like many

the decree under which it was formed, GIAAC had wide-ranging responsibilities, including investigating all cases of bribery and corruption. However, its work was politicised and, according to reports, misused for political gains by its head, Azzizulah Ludin. After losing foreign funding, the organisation was finally disbanded in 2008, and former President Karzai replaced Ludin with Ezatullah Wasifi,[489] who had been found guilty of dealing and distributing heroin in the US. In 2006, the Afghan government and its foreign supporters signed the Afghanistan Compact, which established the first anti-corruption standards. In every significant agreement between the Afghan government and its foreign supporters since then, they have been a defining element.[490]

Moreover, four significant institutions in the Afghan anti-corruption sector had been established by the end of Karzai's presidency in 2014. However, some of these organisations, such as the HOOAC, which President Karzai established in 2008, were only a new venue for the same employees of the Independent Anti-Bribery and Corruption Bureau. In the three years after President Ghani came into power, the number of institutions has increased dramatically. In 2017, according to the UNAMA report, there were eighteen separate bodies tasked with implementing aspects of the government's anti-corruption efforts.[491] Coordination efforts face a significant challenge due to the sheer number of anti-corruption bodies.

Furthermore, the number of anti-corruption institutions coincided with the approval of the Afghanistan National Strategy for Combatting Corruption in September 2017. Over nearly 20 years, a large and varied number of institutions have not significantly decreased corruption nationwide; on the contrary, they may have even expanded it. This paradox suggests that the establishment of these institutions may have inadvertently legitimised corrupt practices rather than curbing them. As a result, the perception of corruption has become entrenched within the fabric of governance,

---

to follow, without research on the type of corruption that exists in the nation or a policy or strategy to go along with it. Ludin's first action as head of the Independent Anti-Bribery and Corruption Bureau was to file a corruption prosecution against Ismail Khan. Apart from the case against Ismail Khan, the Independent Anti-Bribery and Corruption Bureau started over 80 other proceedings, the majority of which were against Dr Ludin's enemies.

489 Ezatullah Wasifi was arrested with a pound-and-a-half bag of heroin for $65,000 in cash by an undercover detective in a room at the Caesars Palace hotel in Las Vegas before becoming the head of anti-corruption agencies.

490 Gardizi, M., Hussmann, K., & Torabi, Y. (2010). Corrupting the State? Or State-Crafted Corruption. *Kabul: Afghanistan Research and Evaluation Unit*.

491 Arguin, J. (2017). AFGHANISTAN'S FIGHT AGAINST CORRUPTION-THE OTHER BATTLEFIELD.

making it increasingly difficult to implement effective reforms.

3.5.11.10 Implementation Failures at the Stage of Execution

The ineffective implementation of anti-corruption efforts, arising from the fragility of anti-corruption laws and the ineffectiveness of anti-corruption agencies, remains one of the most significant challenges in addressing administrative corruption in Afghanistan. This weak enforcement of anti-corruption laws has been sustained by leaders, politicians, and even heads of state.[492]

Therefore, this portion of the chapter presents the case of Mohammed Zia Salehi and how the president intervened in the anti-corruption agency's anti-corruption tasks. The Sensitive Investigative Unit and the Major Crimes Task Force were established based on the provisions of the Anti-Corruption Act in the Deputy Ministry of Security of the Ministry of Interior Affairs.[493] The Sensitive Investigative Unit and the Major Crimes Task Force are specialised law enforcement units dedicated to combating serious criminal behaviour. The Task Force typically addresses well-known, complex issues that require substantial coordination and resources, often involving multiple agencies. However, the Sensitive Investigative Unit focuses on high-risk and extremely sensitive investigations that require specialised knowledge and discretion.

These investigations frequently include individuals and intricate criminal networks. The staff of these two agencies have received training from the U.S. Federal Bureau of Investigation (FBI).[494]According to a report by The New York Times on 8 November 2010, agents of the Sensitive Investigative Unit and the Major Crimes Task Force moved quickly during a raid in Kabul early in the morning while hiding in the dark on 2 July 2010. They positioned themselves strategically around their target, Mohammed Zia Salehi's house. They carefully positioned themselves around the home of Mohammed Zia Salehi, their target. The teams were preparing to make the arrest after keeping an eye on Salehi, the chief of administration for President Hamid Karzai's

---

492 Bateman, C. (2023). A Problem We Fueled: Learning Lessons from Corruption in Afghanistan. In *The Great Power Competition Volume 4: Lessons Learned in Afghanistan: America's Longest War* (pp. 15-35). Springer.

493 Cyrus, S. A. (2014). *The Major Crimes Task Force-Afghanistan: a case study and examination of implications for future FBI capacity building programs* Monterey, California: Naval Postgraduate School.

494 *Ibid*.

National Security Council, for a while. The devices had a recording of Salehi allegedly asking a money transfer company called New Ansari for a bribe during the surveillance that preceded the arrest.

Allegedly, Salehi had promised to step in and help with an investigation into New Ansari's malfeasance. The successful completion of the arrest would be a testament to the FBI, which provided the teams with most of their training, and would be a true test of the units' capacity to combat corruption. The New York Times explains that when the teams arrived at Salehi's house, they made the arrest without any incident. Astonished that the anti-corruption teams had proceeded with their plans to arrest him, Salehi then strangely called President Hamid Karzai. Shortly after, President Karzai dismissed all charges against Salehi and freed him from prison. President Karzai asserted that the harsh methods used to make the arrest, which included handcuffing and placing Salehi in foot chains early in the morning, were against international humanitarian law. Since then, President Karzai has issued a decree restricting the authority of the two anti-corruption agencies; however, information regarding the decree's implementation has not been made public.[495] The illustrated case denotes that the efficacy of anti-corruption efforts in Afghanistan has been affected by the interventions of politicians such as the president, who are expected to support the anti-corruption measures and not intervene in their tasks.

Moreover, the frustrating circumstance serves as a reminder of the difficulties in fighting corruption in Afghanistan. Regrettably, the circumstances outlined in Salehi's case are not unusual. The Afghanistan international partners claimed that combating corruption in Afghanistan has come to the forefront of their programmes, and they tried to balance efforts to support anti-corruption teams at the same time to maintain a positive relationship with the Karzai government. President Karzai's slack attitude against corruption, demonstrated by his candid admission that he accepted "bags of cash"[496] from countries like Iran for unidentified projects, has made this delicate balancing act extremely challenging.

The presidential pardon of one of President Karzai's top advisors is particularly

---

[495] Clark, K. (2018). Graft and Remilitarisation: A look back at efforts to disarm, demobilise, reconcile and reintegrate. *Afghanistan Analysts Network. https://www. afghanistan-analysts. org/en/reports/war-and-peace/graft-and-remilitarisation-a-look-back-at-efforts-to-disarm-demobilise-reconcile-and-reintegrate*.

[496] Boone, J. (2010). Hamid Karzai admits office gets' bags of money'from Iran. *The Guardian, 25*.

troubling given the numerous investigations involving other high-ranking officials. Fazel Ahmed Faqiryar, President Karzai's former deputy attorney general, stated in an interview with The New York Times that President Karzai and his attorney general, Ishaq Aloko, were obstructing several cases.[497] Investigations involving provincial governors, ambassadors, and cabinet officials have all been stalled. Only three of the 25 former Afghan officials that the two anti-corruption task committees were investigating have been charged. It implies that there was a lack of agreement between the Karzai government and the anti-corruption teams supported by the U.S.

In another case, three ambassadors, five provincial governors, and seventeen members of Karzai's cabinet were under investigation. There have only been three occasions where an Afghan official has faced charges, and no verdicts have been handed down. Karzai's administration indicated that they would wait for the Afghanistan Judiciary Ministry to issue new guidelines for the task forces before acting on the cases.[498] However, controlling the U.S.-backed anti-corruption agencies justifies Karzai's approaches, but dismissing all charges against wrongdoers is contrary to the Constitution's provisions, especially in a circumstance where the entire government is supported by foreign entities.

Although they occupy the highest echelons of what can be perceived as a hierarchy of corruption, high-ranking officials in Afghanistan are not the sole corrupt figures authorised to solicit bribes and compromise the effectiveness of anti-corruption initiatives.[499] According to Transparency International, bribery is widespread and occurs at all societal levels. As discussed in the research background and problem statement sections, the UNODC carried out research based on information provided by Afghan bribery victims. According to the survey, between $200 and $1000 in bribes are paid to judges, prosecutors, customs agents, police officers, and municipal and interim officials. Teachers, nurses, and doctors are lower on the hierarchy and get bribes of less than $100.[500] Bribes are used to expedite procedures 78% of the time, according to victims, and to obtain "better treatment" at other times. Literature evidence that at on

---

497 Filkins, D., & Rubin, A. (2010). Graft-Fighting Prosecutor Fired in Afghanistan. *The New York Times, 29*.

498 *Ibid*.

499 Kondro, W. (2010). Afghanistan's" cancer of corruption". *Canadian Medical Association. Journal, 182*(4), E209.

500 Bisogno, E. (2010). *Corruption in Afghanistan: Bribery as reported by the victims*. DIANE Publishing.

average of $158 per individual, half of all Afghans admitted to paying bribes. Compared to men, women reported paying bribes more frequently (53% vs. 39%),[501] especially in the education and health sectors.

3.5.11.11 The Clan Structure

Afghanistan's dependence on local clans for support and its ineffective central administration were surely influenced by its status as a buffer state (i.e., Afghanistan has long been regarded as a buffer state, serving as a zone of separation between the British Empire in India and the Russian Empire, which later became the Soviet Union, during the 19th and 20th centuries).[502] Afghanistan has mostly stayed without a strong central authority or national unity after years of foreign invaders arbitrarily drawing territory boundaries for the clans. Clan cohesiveness has become stronger throughout time because of government bureaucracies' inability to deliver essential services for survival. As discussed earlier, the Afghan clan structure has become stronger after enduring numerous Afghan rulers and foreign invaders, but at the expense of peace and national allegiances. National allegiances have often been overshadowed by clan loyalties, leading to a fragmented society where local identities take precedence over a unified national identity. This division complicates efforts towards establishing a stable governance structure, perpetuating cycles of conflict and instability within the region.

Moreover, like a business firm, Afghanistan clans are well-organised and function as unofficial groups with shared objectives, norms, and behaviours. Clans are mostly arranged according to kinship, which encompasses both close connections and ancestry through matrimony. Informal agreements that set rules and practices and aim to protect specific rights for different clans sometimes regulate interactions between clans. The agreements are honoured even though they are not codified because they safeguard rights and privileges that clans feel the State Constitution and other laws might not.[503] These informal agreements play a crucial role in maintaining harmony and cooperation among clans, ensuring that their unique customs and traditions are

---

501 Colaco, N. (2008). Crooked progress: Afghanistan tackles corruption. *Harvard International Review, 30*(3), 12.

502 McLachlan, K. (1997). Afghanistan: The geopolitics of a buffer state. *Geopolitics, 2*(1), 82-96.

503 Ceccarelli, A. (2007). Clans, politics and organized crime in Central Asia. *Trends in Organized Crime, 10*, 19-36.

respected. As a result, clans often navigate a complex landscape of both formal legal frameworks and their own established norms, fostering a sense of identity and belonging within their communities.

Furthermore, in Afghan society, group loyalty is a fundamental aspect of clan culture and frequently influences the distribution of resources. By maintaining loyalty within the community, these patron-client connections uphold the clan system. In exchange for assistance in navigating a particular area of the local system, a clan member performs favours for another clan member, typically for a higher-ranking official.[504] Clan ties are strengthened by this arrangement, but national unity is not greatly enhanced. Involving a skilled clan member in state politics frequently results in patron-client relationships. Clan members will anticipate that jobs will be created, and governmental resources will be used for the clan's advantage. In essence, the clan takes over as the community's primary provider, with the state serving just as a medium for the most powerful clan members to fight for resources.

In addition, in the opium trade in Afghanistan, patron-client connections also function. In general, the opium trade involves at least three institutions that help export opium: terrorist organisations, multinational criminal organisations, and drug mafias. Opium is mostly transported into and out of the region by transnational criminal groups, with drug mafias serving as the intermediaries between the local producer and the international trafficker. Since clans usually rule the local land, they have strong ties to both groups. These strong ties enable the clans to exert considerable influence over the production and distribution of opium, ensuring that their interests are prioritised in the complex web of the drug trade.[505] Consequently, this patron-client relationship not only sustains the local economy but also perpetuates the cycle of violence and instability in the region.

3.6 The Importance of Examining the Historical Development of Administrative Law in Combating Administrative Corruption

Analysing the historical development of administrative law in Afghanistan is

---

504 Van Meerbeek, K., Jucker, T., & Svenning, J. C. (2021). Unifying the concepts of stability and resilience in ecology. *Journal of Ecology, 109*(9), 3114-3132.

505 Pope, J. (1999). Enhancing accountability and ethics in the public sector. *Curbing Corruption: Toward a Model for Building National Integrity. Washington, DC: The World Bank*, 105-116.

essential for designing an effective anti-corruption framework. Historical analysis reveals why previous administrative reforms failed and why corruption has persisted despite repeated attempts at modernisation.[506] It exposes structural weaknesses, such as fragmented authority, limited administrative capacity, and entrenched patronage, that have consistently undermined the rule of law.

Moreover, comparing Afghanistan's experience with global administrative law models offers valuable lessons. Countries such as Singapore and New Zealand demonstrate how strong administrative law frameworks, independent oversight institutions, and professional civil services contribute to successful anti-corruption governance. Although, Afghanistan may not directly implement foreign models, a historical comprehension allows policymakers to adapt best practices to Afghan circumstances.

Furthermore, recognising the deep roots of informal governance traditions helps explain why administrative corruption is not merely a legal problem but also a socio-cultural phenomenon.[507] Addressing corruption, therefore, requires not only legal reform but also the transformation of governance norms, administrative practices, and public expectations.

In addition, historical perspective provides policymakers with a foundation for creating stable administrative frameworks, promoting transparency, strengthening institutions, and designing anti-corruption mechanisms that are both realistic and effective in the Afghan context.

3.7 Conclusion

The scrutiny of Afghanistan's administrative law development throughout history highlights a pattern of institutional fragility, legal fragmentation, and inconsistent governance that has persisted across political eras. Rather than progressing along a stable trajectory, administrative structures repeatedly shifted with regime changes, leaving behind overlapping legal systems, weak enforcement, and entrenched corruption. These enduring challenges demonstrate that Afghanistan's administrative weakness is not the result of recent developments alone, but the cumulative outcome of

---

506 Ayobi, M. (2022). Judicial Control of Public Administration in Afghanistan: A Contextual Analysis.
507 Braithwaite, R. (2022). 2. Afghanistan: Learning from History? *fghanistan*, 15.

decades of uncoordinated reform, political interference, and insufficient institutional consolidation.

Moreover, comparing Afghanistan's experience with global administrative law models offers valuable lessons. Countries such as Singapore and New Zealand demonstrate how strong administrative law frameworks, independent oversight institutions, and professional civil services contribute to effective anti-corruption governance. However, Afghanistan cannot directly implement foreign systems; understanding these international examples provides significant insights for adapting a suitable framework to Afghanistan's unique legal and cultural context. In general, the analysis of this chapter affirms the need for a unified and context-sensitive administrative framework that limits discretionary authority, strengthens accountability, and promotes transparent governance.

Consequently, the overarching thesis advocates for the proposal of a robust anti-corruption framework tailored to Afghanistan's political and institutional context, one that can rectify systemic deficiencies rather than merely alleviate their manifestations.

Furthermore, the next chapter explores the legal principles of Afghanistan, outlining the foundational doctrines essential for constructing such a framework. It aims to support a more coherent, transparent, and accountable administrative framework

CHAPTER 4
LEGAL PRINCIPLES

4.1 Introduction

This chapter explores the legal principles that form the basis of administrative law in Afghanistan, emphasising their significance in the fight against corruption and the reinforcement of the rule of law. In contrast to Chapter Three, which examined the historical development of administrative law, this chapter focuses on its normative and doctrinal foundations.

Moreover, this chapter identifies the principles that govern administrative conduct, as well as those that underpin governance and oversight, thereby establishing the essential framework for the thesis's aim: to propose a practical anti-corruption framework for Afghanistan. The discussion in Chapter Four aligns with the research questions, which focus on identifying the causes undermining Afghanistan's anti-corruption laws, exploring strategies to reduce corruption, and reinforcing the rule of law.

Furthermore, the discussion integrates insights from Fraud Triangle Theory and Fayol's Management Theory (as discussed in Chapter Two). This illustrates how combining legal principles with organisational and behavioural insights can enhance the development of effective anti-corruption strategies.

4.2 Core Legal Principles in Afghanistan

The concept of principles of law is an important aspect of legal theory and practice, instructing both the enactment and application of laws.[508] Principles of law are significant from a theoretical and practical standpoint. Hence, the principles of law are fundamental concepts that direct the formulation and implementation of legal regulations. These principles help to ensure that laws are applied in a just, fair, and efficient manner. While they are not legal regulations in themselves, they serve as guiding concepts that outline and shape the legal system.[509] They act as a guiding tool

---

[508] Hall, J. (2010). *General principles of criminal law*. The Lawbook Exchange, Ltd.
[509] Waldron, J. (2016). The rule of law.

for legislators when enacting laws and for interpreters during the application of those laws. The relationship between legal principles and rules is a concept frequently examined from both theoretical and legal perspectives.[510] The principles of law that are available as legal norms possess characteristics such as abstraction, stability, and a wide range of application.

Moreover, the principles of law, which provide the crucial source and value for the laws, can be classified as legal norms, or they may be regarded as comprehensive criteria. Legal principles can be broadly divided into two categories based on their validity: formal principles and procedural principles. Formal principles emphasise the qualities of the law itself, such as its stability, generality, and clarity. Conversely, procedural principles pertain to the procedures and establishments that ensure the equitable and efficient application of the law, including an independent judiciary.[511]

Furthermore, the functions of principles of law are based on their characteristics, including regulative function, evaluative function, reviewing function, and judicial function. They serve as behavioural guidelines, evaluate actions considering predetermined norms, provide coherence and consistency, and ultimately offer a framework for conflict resolution.[512]

In addition, it is essential to analyse the conditions surrounding the implementation of legal principles at both theoretical and practical levels. Public law, like other branches of law, is characterised by its own set of principles, including the principle of broad application. It encompasses specific principles that this section of the research explores in detail. The principles of administrative law are a complicated and evolving area of study, encompassing a range of topics. Administrative law combines a complex variety of principles and doctrines that grant and control public power.[513]

Afghanistan's administrative system is characterised by a mixed jurisdiction, drawing influences from civil law, Islamic jurisprudence, and customary practices. While this pluralism reflects the country's socio-cultural context, it has also led to legal ambiguity, fragmented authority, and the discretionary misuse of power. To strengthen

---

510 Książek, D. (2021). Zasady prawa. *Roczniki Administracji i Prawa, 21*(Zeszyt Specjalny I).
511 Waldron, J. (2016). The rule of law.
512 Narits, R. (2007). Principles of Law and Legal Dogmatics as Methods Used by Constitutions Courts. *Juridica Int'l, 12*, 15.
513 Endicott, T. (2021). *Administrative law*. Oxford University Press.

governance and reduce corruption, several core legal principles must be emphasised:

4.2.1 Principle of Legality

In a democratic system, people hold political power, either directly or through their elected representatives. The government is obliged to comply with the law and regulations. It means everyone has equal rights and is subject to the law; the principle of the rule of law illustrates that nobody is above the law. Every type of violation of the law damages the legality and rule of law. This principle serves as the cornerstone of all branches of public law, guiding the administration's actions within a political unit.

Moreover, according to the principle of legality, the law is the foundation of every decision and act; thus, authorities are obliged to perform their duties according to the law to ensure the citizens' rights.[514] This principle serves as a fundamental of the rule of law, requiring that all decisions and actions be grounded in legal principles and that institutions operate within the boundaries of the law.[515] This ensures accountability and fairness, fostering trust in the legal system. It also empowers individuals to challenge arbitrary actions and seek redress, thereby reinforcing the integrity of democratic governance.

Furthermore, this principle is a key concept of ensuring fairness and justice in the administrative proceeding. This principle is essential in different legal systems, such as German law, in situations where an administrative action's legality is a requirement for its merit.[516] The execution of the principle of legality and justice in administrative processes is a complex proceeding involving both subjective and objective approaches; subjective and objective law is a concept used to distinguish between the principles and ground words of objective law and the application of law to a particular case or subject.[517]

In addition, the principle of legality mandates that all administrative activities

---

514 Dyzenhaus, D., Hunt, M., & Taggart, M. (2001b). The Principle of Legality in Administrative Law: Internationalisation as Constitutionalisation. *Oxford University Commonwealth Law Journal, 1*(1), 5-34.

515 Alder, J. (2002). *General principles of constitutional and administrative law*.

516 Dyzenhaus, D., Hunt, M., & Taggart, M. (2001a). The principle of legality in administrative law: internationalisation as constitutionalisation. *Oxford U. Commw. LJ, 1*, 5.

517 JAMSHIDI, A., & PETOFT, A. (2016). CITIZENS'RIGHTS IN THE LIGHT OF MODERN ADMINISTRATIVE PROCEDURES.

must be grounded in law and adhere to the limits of authority granted by legislation.[518] This principle prevents arbitrary decision-making and ensures that citizens' rights are protected.

In Afghanistan, the presence of overlapping sources of law and inconsistent enforcement has historically undermined this principle. This situation has enabled officials to exploit gaps within statutory, customary, and Islamic law for their personal or political gain. Strengthening the rule of law is essential for limiting discretionary power and fostering predictability in governance, which is a fundamental aspect of any anti-corruption framework. The next principle discussed in the proposal of an anti-corruption framework for Afghanistan is the rule of law.

4.2.2 The Principle of Rule of law

The rule of law establishes the boundaries that separate the legal and meta-legal spheres. The principle establishes a legal system where the rule of law prevails over absolute power, ensuring governance through law and the maintenance of control.[519] Hence, it keeps the government under legally normative control, by which any arbitrariness is rebuffed. This takes steps in the way of the validity and preservation of any behaviour or norm in the sovereign territory. To the extent that each one of these phenomena should be realised in compliance with the law. Therefore, the rule of law is the most general principle that eclipses other ones in its imperative sphere. Whereby, by establishing a government, freedoms are restricted and coercive power is imposed; to prevent any form of tyranny or authoritarianism, the protection of the rule of law is both indispensable and crucial. To be under the rule of law means legitimately governing by certain legal rules, which John Locke has defined as neutral, constant-based rules that are equitable to all.[520] One of the most substantial means of preserving the rule of law is judicial control over government actions, through which the rights of citizens are protected and various obligations are technically provided, as much as there is a theory of "judicial democracy" amongst doctrines.[521] Protection of the substantive

---

518 Endicott, T. (2021). *Administrative law*. Oxford University Press.

519 Rose, J. (2004). The rule of law in the western world: an overview. *Journal of social philosophy, 35*.

520 Thompson, M. P. (1988). Significant silences in Locke's Two Treatises of Government: constitutional history, contract and law. *The Historical Journal, 31*(2), 275-294.

521 Beckett, J. (2014). *Public management and the rule of law*. Routledge.

sense of the rule of law crucially depends on effective judicial review of authorities' decisions and measures by proper standards derived from accreditation. Substantive elements of the rule of law allow axiological norms to manifest and function within the legal domain as a conduit; this constitutes the primary focus of dialectical discourse between naturalists and positivists concerning the conceptual breadth of substantive meaning concerning procedural aspects, which reinforces legal formalism. This ongoing discourse highlights the tension between the ideals of justice and the rigid application of legal frameworks. Ultimately, the interplay between these perspectives shapes the evolution of legal systems and their ability to adapt to societal changes while maintaining fairness and accountability.[522]

In Afghanistan, the rule of law has historically been undermined by weak institutions, informal governance structures, and political interference. Strengthening the rule of law is critical for any anti-corruption framework, as it serves as the foundation for all other administrative principles and ensures the consistent application of legal norms.

4.2.3 Constitutional Rights

Each one of the constitutional rights might provide a respective principle in the context of precedent. However, there is no single definitive list of constitutional principles, but their fundamental content is widely agreed upon. These principles can be categorised into four groups: representative government, institutional checks and balances, protection of fundamental rights, and integrity and standards in public life.[523]

The initial concept of this principle involves institutional checks and balances. Power should be distributed between different institutions, including the executive, legislature, and judiciary, "so that no one body" can act with unchecked power, a concern most often expressed concerning the executive.[524]

The second concept of constitutional principle is representative government. The direct participation of citizens in all decision-making is not feasible due to the size

---

522 Kramer, M. H. (2004). On the moral status of the rule of law. *The Cambridge Law Journal, 63*(1), 65-97.

523 Chemerinsky, E. (2019). *Constitutional law: principles and policies*. Aspen Publishing.

524 Mueller, D. C. (1991). Constitutional rights. *The Journal of Law, Economics, and Organization, 7*(2), 313-333.

and complexity of the government machinery. Legislators who have been elected represent the people instead.

The rule of law is another concept of a constitutional principle that forbids the state from imposing arbitrary rules. While there are many different definitions of the term "rule of law," in its most basic sense, it refers to laws that are made through due process and that satisfy certain requirements for justice, equality before the law, judicial independence, and fairness.[525]

4.2.4 Principle of Legitimate Expectations

Legitimate expectations are contemporary principle of administrative law. This doctrine safeguards individuals who rely on the assurances of fairness within public administration.[526] This could be the result of announcements, regulations, procedures, measures, and even promises made to citizens in such a way that people, by trusting the situations and their consequences, rely on their personal and commercial lives.[527] Decisions based on such qualifications should be subject to procedural fairness that requires a convincible degree of legal protection and should not be outside the scope of equity and justice. This principle is the broad concept of legitimate expectations and is common in the EU,[528] the UK, and German law.[529]

Initially, considering the UK precedent, reasonable expectations are often safeguarded in four circumstances, especially under administrative law: when a public entity makes a clear, unambiguous representation, the individual reasonably relies on it, the individual takes actions that are detrimental to them, and they have a reasonable expectation.[530]

Second, breach of assurance. In some cases, the public authority may commit to making certain policies and processes for a specific matter, but in contrast to this,

---

525 Beasley, E. (2017). *Restricting Freedoms: Limitations on the Individual in Contemporary America*. Routledge.

526 Thomas, R. (2000). *Legitimate expectations and proportionality in administrative law*. Hart Publishing.

527 Crawford, C. (1982). Estoppel in Public Law. The Final Nail in the Coffin? *The Modern Law Review, 45*(1), 87-91.

528 Ostojski, P. (2020). Principles of legitimate expectations and legal certainty in the context of amendments to EU law and national legislation. *Ius Novum, 14*(2), 156-173.

529 Forsyth, C. F. (1988). The provenance and protection of legitimate expectations. *The Cambridge Law Journal, 47*(2), 238-260.

530 Connal, C. (2017). Legitimate expectation as a ground for judicial review. *Pinsent Masons, 16*.

she or he acts differently and thereby changes the status quo (i.e., the existing situation).[531]

Third, hang on to consistent practice. In such cases, the public authority, without being committed to making certain policies and processes over a long period of time, uniformly acts in the same way. Some citizens suppose that the status quo will always be established and stable; that's why this will all change because of her or his new decision by adopting superseded different policies and processes.[532]

Four, change of policy: a public official promises to act on a particular policy or process concerning upcoming stages of a specific issue, and citizens would also expect the action to be taken, but at the appropriate time, the authority will act differently.

To summarise, the concept of legitimate expectations in administrative law has been the subject of considerable debate and development across various jurisdictions. When an administrative decision-maker indicates that a particular procedure will be followed, a significant outcome will occur, or the decision-maker's previous actions will produce a predictable result, this is known as a "legitimate expectation."

Afghanistan's administrative system has frequently been characterised by unpredictability, stemming from overlapping legal frameworks, discretionary authority, and political instability.[533] Upholding legitimate expectations can:

a) Diminish arbitrary administrative decisions.
b) Increase predictability for citizens and businesses.
c) Fortify accountability and public trust.

4.2.5 Principle of Reasonableness

According to this principle of administrative law, a decision made by an authority and the goals outlined in the text of legal commands must make sense and be reasonable in relation to each other.[534] In general, authorities are supposed to make decisions in a rational way. In many cases, the principle of reasonableness, which is

---

531 Jackson, M. (2003). *Criminal Law in Hong Kong*. Hong Kong University Press.
532 Fellows, J. (2016). Council of Civil Service Unions v Minister for the Civil Service [1985] 1 AC 374. *Res Judicata: contemporary issues in administrative and public law, 16*.
533 Murtazashvili, J. B. (2022). The collapse of Afghanistan. *Journal of democracy, 33*(1), 40-54.
534 Bongiovanni, G., Sartor, G., & Valentini, C. (2009). *Reasonableness and law* (Vol. 86). Springer Science & Business Media.

closely related to modern legal principles, is used to challenge government decisions.[535] This principle, as a well-known general principle of Administrative, gives rise to a form of social acceptance of government activity that typically aligns administrative performance with social rationality.[536] The unreasonableness of an authority's decision or measure is some kind of action that individuals do not rationally and logically deal with;[537] such actions clearly lack a rational argument or ethical standards that confirm their merit.[538]

Unreasonable action resembles a retrogressive decision or measure that not only fails to advance the administrative legal system but also results in a reversal of the current situation. Certain types of unreasonable behaviour can only be justified if they distinctly and primarily demonstrate an irrational nature that significantly contradicts legitimacy. Therefore, any action cannot simply be counted as unreasonable and void.

Effectiveness and efficiency might be good evaluation criteria for the reasonableness of an action. A decision or measure that is not efficient or does not bring forth a significant positive effect on the public interest is not fundamentally rational and is more likely to cause a loss of public resources. In essence, efficient use of resources and alignment of processes and institutions with societal needs are prerequisites for good administration.[539]

4.2.6 Principle of Time Limits

The principle of time limits, also referred to as the statute of limitations, delineates deadlines for legal actions, thus ensuring that cases are brought forward promptly and equitably. The time limits principle in public service suggests that appropriate measures and decision-making by authorities should take place within a reasonable amount of time. For any discretion assigned to government officials, there is a reasonable time limit to carry it out, so postponement and delay in carrying out

---

535 *Ibid*.

536 de La Serre, E. B. (2006). Procedural justice in the European Community case-law concerning the rights of the defence: essentialist and instrumental trends. *European Public Law, 12*(2).

537 Hutton, R. H. L. (2004). Reasonableness and the common law. *Northern Ireland Legal Quarterly, 55*(3), 242-258.

538 Fellows, J. (2016). Council of Civil Service Unions v Minister for the Civil Service [1985] 1 AC 374. *Res Judicata: contemporary issues in administrative and public law, 16*.

539 Scheb, J., & John Scheb, I. (2004). *Law and the administrative process*. Cengage Learning.

appropriate action violate this principle.[540] Therefore, it could be referred to as a "reasonable period," following the example of developed countries.[541] This principle illustrates that all administrative procedures must be completed as quickly as possible, along with meeting citizen requests and conducting business within the organisation. The notion of "continuity," which is primarily found in French administrative law, suggests that citizen services should always be provided, regardless of time constraints. According to French customs, institutions and public servants should continue as usual, as all citizens have equal access to state-owned services; they should also refrain from taking any actions that could cause the suspension or cancellation of public services.[542]

4.2.7 Principle of Transparency

This principle has been acknowledged as essential for ensuring freedom of information and enabling public oversight of government actions. The principle of transparency facilitates the implementation of the rule of law by fortifying a well-defined administrative framework and opening the possibility of public oversight. In accordance with this principle, all decisions, measures, transactions, agreements, and administrative processes should be available to all citizens as direct beneficiaries.[543] Along with the development of information technology systems, this principle has also grown abundantly; this is mainly due to the rapidity of information transmission by possible means of quick diffusion and expediting access for all. The most crucial aspect of this principle is the freedom of information, a concept that is significantly highlighted in the practices of developed nations.[544] One important derivative may be the integrity of public procurement and tender bidding, supported by three key mechanisms for achieving this principle: periodic indicative notices, invitations to tender, and contract award notices.[545]

---

540 Enright, C. (2001). *Federal administrative law*. Federation Press.

541 Wakefield, J. (2006). Trends in the case law on the action for damages against Community Institutions. ERA Forum,

542 Latour, B. (2010). *The making of law: An ethnography of the Conseil d'Etat*. Polity.

543 Curtin, D., & Wessel, R. A. (2005). *Good governance and the European Union: reflections on concepts, institutions and substance* (Vol. 49). Intersentia nv.

544 Chiti, E. (1998). Case T-105/95, WWF UK (World Wide Fund for Nature) v. EC Commission, Judgment of the Court of First Instance of 5 March 1997,[1997] ECR II-313. *Common Market Law Review, 35*(1).

545 Bovis, C. (2009). The effects of the principles of transparency and accountability on public procurement and public-private partnerships regulation. *European Public Private Partnership Law Review, 4*(1), 7-25.

Moreover, the principle of transparency may help governments in mitigating the issue of agency, which refers to the tendency of government officials to prioritise their own self-interest over that of the public. By transparently communicating its acts and choices, a government facilitates public oversight of officials, promotes accountability, and ensures adherence to the public interest.[546]

Furthermore, in Afghanistan, limited transparency in procurement, civil service appointments, and revenue collection has historically facilitated bribery and informal taxation. Institutionalising transparency, through public reporting, open decision-making, and accessible procedures, is essential for any anti-corruption framework.

4.2.8 Principle of Neutrality

One of the crucial principles of administrative law is neutrality. This principle in administrative law is a complex and multidimensional concept.[547]According to Max Weber, the idea of bureaucracy management is less a technical need than an ideological requirement in the administrative search for legitimacy. He believed that an organisation must be hierarchical and possess well-defined rules to manage itself and its members.[548] As employees work for each level of management, they tend to be loyal to their supervisors rather than to the organisation.

Moreover, it is posited that the principle of neutrality has been elevated to the status of moral law, with Hannah Arendt arguing that bureaucracy represents a "rule by nobody."[549] The principle of neutrality is related to secularism as well, as a case can be made that a judgement acknowledged and justified can count in public administration when everything is right.[550]

Furthermore, this principle of administrative law has been considered a crucial component of public service in democratic nations. The idea of neutral bureaucracy is closely associated with the idea of well-known politics, the "administration dichotomy"

---

546 Vaughn, R. G. (2010). Transparency in the administration of laws: The relationship between differing justifications for transparency and differing views of administrative law. *Am. U. Int'l L. Rev., 26*, 969.

547 Deák, D. (2008). Neutrality and legal certainty in tax law and the effective protection of taxpayers' rights. *Acta Juridica Hungarica, 49*(2), 177-201.

548 Stivers, C. (2015). Rule by nobody: Bureaucratic neutrality as secular theodicy. *Administrative Theory & Praxis, 37*(4), 242-251.

549 Arendt, H. (1971). Thinking and moral considerations: A lecture. *Social research*, 417-446.

550 Stivers, C. (2015). Rule by nobody: Bureaucratic neutrality as secular theodicy. *Administrative Theory & Praxis, 37*(4), 242-251.

of the two domains of politics and administration. Based on conventional wisdom, the comprehensive implementation of the merit principle requires the idea of a neutral bureaucracy. However, in developing countries, employees, especially at the higher levels, have been selected due to political recognition, neutrality, and merit-based recruitment, which are often believed to be the opposite of politicisation. Typically, neutrality in public administration is considered to ensure immunity against opportunistic components brought in by erratic political leadership. Because elected high-ranking officials and politicians come and go with the election, they cannot guarantee that political decisions are made based on the "best" knowledge accessible.[551] Taking the above reasoning into consideration, bureaucrats are conceived as neutral, submissive servants who subordinate themselves to the wishes of their political overlords, the rules and laws, and the common good. Modern political-administrative systems, however, do not strictly adhere to the politics-administration dichotomy.

In addition, the principle of neutrality illustrates that public servants are required to perform their duties without bias. Furthermore, administrative affairs should be conducted in accordance with this principle, and it is essential that there is robust oversight by democratic institutions.[552] Commonly, the constitution of every democratic state denotes the principle of neutrality; for instance, the Afghanistan Constitution 2004, in Article 50 establishes the State's obligation to create a safe and reformed administration, emphasising that public officials must perform their duties with complete neutrality and in full compliance with the law, thereby reflecting the core principle of the rule of law. Guaranteeing citizens the right to access information from state institutions reinforces transparency, accountability, and public participation, which are essential for effective governance and anti-corruption efforts. The provision provides a normative and legal foundation for administrative reforms in Afghanistan, linking institutional efficiency, impartiality, and openness to the prevention of discretionary abuse, favouritism, and corruption.

---

551 Hustedt, T., & Salomonsen, H. H. (2018). From neutral competence to competent neutrality? Revisiting neutral competence as the core normative foundation of Western bureaucracy. In *Bureaucracy and society in transition: Comparative perspectives* (pp. 69-88). Emerald Publishing Limited.

552 Gooch, D. M., & Wofford, P. E. (2017). Is Neutrality a Feature or a Bug? Delegation, Discretion, and the Democratic Implications of Administrative Law in a Polarized Institutional Environment. *Administrative Theory & Praxis, 39*(4), 292-312.

Hence, based on the provision outlined in this article, government employees are expected to perform their duties in a manner that does not confer personal benefits or inflict harm upon ethnic groups, political parties, or regional or religious communities. Should government employees neglect the importance of impartiality in their roles, it could lead to detrimental effects on the prestige of the administration.

4.2.9 Principle of Equality

The principle of equality serves as a fundamental concept in administrative law, closely linked to both judicial review and the rule of law.[553] Equality is a prominent principle of the common law and is crucial to administrative law, given the connection between judicial review and the rule of law.[554] Understanding the precise requirements of this principle can aid in the comprehension of the function that consistent action obligations serve in judicial review. The concept of equal treatment, which holds that similar cases should be handled similarly, is paradoxically ambivalent when it comes to discussions of equality in law and morality. On the one hand, it is commonly asserted that equal treatment, the idea that cases like one another should be treated similarly, is a paradoxically ambivalent concept in discussions of morality and the law, and that justice demands that people in similar circumstances be accorded similar treatment. However, equalisation for equality's sake gives rise to the now-familiar "levelling down" objection, which holds that equalisation requirements can be met by reproducing unfair forms of treatment, such as treating people equally poorly or taking advantages away from the privileged. Therefore, striking a balance within administrative law doctrine presents a real challenge for common law courts tasked with defining the boundaries of legality and imposing restrictions on the executive's actions. In common law adjudication, on the other hand, the principle of equality before the law necessitates some recourse to comparative moral standards of consistency and fairness to provide justice to individual cases. Nevertheless, it is frequently asserted that equal treatment lacks inherent moral value, raising concerns about both the relationship between consistency and justice as well as the proper place of equal

---

553 Street, A. (2013). Judicial review and the rule of law. *The Constitution Society, London*.

554 Foran, M. (2022). The cornerstone of our law: Equality, consistency and judicial review. *The Cambridge Law Journal, 81*(2), 249-272.

treatment in judicial review.[555]

Moreover, the administration of administrative offences requires the application of unique protocols and exemptions. The right to dignity, which is regarded as a means of comprehending the relationship between people and the state, is closely tied to this principle as well.[556] The concept of equality has been interpreted in several ways within the framework of developed nations, including as a political catchphrase, a social objective, a legal precept, and a fundamental right. Implementing the principle of equality is crucial in an administration; it also shows respect for people's essential rights as human beings. The principle of equality is vital and is visible in all countries; the Afghan Constitution of 2004, Article 22, states: The citizens of Afghanistan, men and women, have equal rights and duties before the law.

Furthermore, administrative law requires that government employees shall treat citizens who refer to the government department equally and in compliance with the law. Implementing the principle of equality can cause respect for others' rights; therefore, equality is the foundation of liberty.[557] There are three categories of equality: equality in the use of public services, equality in the behaviour of administrative officials towards citizens, and the final category, equality in the distribution of rewards within a department.

4.2.10 Principle of Accountability

In administrative law, the principle of accountability is prominent and supranational. The accountability principle, which states that administrative bodies must provide an explanation and justification for their acts, is prominent in administrative law and is essential to maintaining effective administration. To ensure that decisions are appropriate and compliant with the law, this responsibility encompasses both political-administrative and legal facets.[558] Edwin Felter (2008), a senior judge, argues that formal enforcement procedures and codes of conduct for judges cooperate to keep the administrative law judiciary's balance between

---

555 Westen, P. (1982). The empty idea of equality. *Harvard Law Review*, 537-596.

556 Barnard, C. (1998). The Principle of Equality in the Community Context: P, Grant, Kalanke and Marschall: Four Uneasy Bedfellows? *The Cambridge Law Journal, 57*(2), 352-373.

557 Harlow, C. (2006). Global administrative law: the quest for principles and values. *European journal of international law, 17*(1), 187-214.

558 *Ibid*.

accountability and independence.[559] Developmental evaluations may include procedures such as peer review for quality assurance, anonymous surveys conducted with practitioners and litigants, or a combination of both. Judicial evaluations, which are often required by law and may affect pay and employment status, may be conducted by a supervisory judge or a performance commission.

Moreover, prioritising public law principles during the design and implementation of privatised administrative arrangements is imperative. Research shows that when the government contracts a service and leaves it to a private, nonprofit organisation to carry out, public law principles are not at the centre of the agreement, which reduces public accountability. For instance, the Afghan government has given vital projects to the private sector, which has resulted in less accountability, especially during the control of COVID-19 effects on society.[560] It is believed that private administrators have constitutional duties, discretionary restrictions, and a duty to remain transparent to the public and subject to governmental regulatory oversight.[561]

Moreover, administrative accountability is the term for a system where administrators are held accountable for their actions and are required to submit to the scrutiny of those who have given them such authority. This principle has three connotations: in terms of accountability, the relationship between accountability enforcers and accountability objects is based on responsibility, as it is governed by institutions and laws, which makes administrative accountability a mandatory process; in terms of function, it is a system of supervision designed to increase administrative effectiveness; and in terms of accountability content and enforcement system, it covers responsibility in the fields of law, politics, position management, and corporate ethics.

Furthermore, the principle of accountability requires that there be forums in which decision-makers may be called to account to substantiate their actions. Such accountability may be political or legal.[562] For instance, a minister should be accountable to Parliament at the political level to justify that decisions taken are in the best interests of the nation.

---

559 Felter Jr, E. L. (2010). Accountability in the Administrative Law Judiciary: The Right and the Wrong Kind. *J. Nat'l Ass'n Admin. L. Judiciary, 30*, 19.

560 Moret, E. (2023). Barriers to Afghanistan's critical private sector recovery.

561 Lindseth, P. (2020). 'Always Embedded'Administration: The Historical Evolution of Administrative Justice as an Aspect of Modern Governance. In *The Economy as a Polity: The Political Constitution of Contemporary Capitalism* (pp. 117-135). Routledge.

562 Governance, L. (2011). Accountability. *Buckingham: Open*.

In addition, accountability is a crucial principle of administrative law; it illustrates the meaning of being responsible for the decision a department or an official makes or any action he or she is taking during his or her tenure and being expected to explain it to society when they are asked. It is important to ensure the citizens' rights, and public servants should obey the law to be accountable and bring transparency. Commonly, procedural law illustrates terms of accountability and responsibility; for instance, the Afghanistan administrative procedural law, Article 13 of the Constitution of Afghanistan, states:

> *Public administration is responsible for action caused harm by negligence or fault of the public servants.*

Hence, accountability is considered the responsibility for the expected consequences, accepting fulfilment responsibility, and accepting decision-making that results in the best public interests.

4.2.11 Principle of Meritocracy

The principle of meritocracy in administrative law is important to consider when designing public institutions, especially when it comes to fundamental rights. In administrative law, the meritocracy principle, which gives priority to skills and qualifications over background, is essential for creating public institutions, especially when it comes to fundamental rights. It ensures that public employees are chosen and advanced according to their qualifications, which can lessen corruption, depoliticise administrative procedures, and increase public confidence. By giving everyone an equal chance to hold public office, this also advances justice and social equity.[563]

One of the unavoidable effects of the Constitutional State of Law formula (i.e., Rule of Law) that the political cart received is the conception of fundamental rights in the construction of public institutions.[564] Meritocracy, however, is a complicated idea; some people doubt its validity, while others see it as a myth that gives people

---

563 Oliveira, E., Abner, G., Lee, S., Suzuki, K., Hur, H., & Perry, J. L. (2024). What does the evidence tell us about merit principles and government performance? *Public Administration, 102*(2), 668-690.

564 Bingham, L. (2008). The Rule of Law and the Sovereignty of Parliament? *King's Law Journal, 19*(2), 223-234.

legitimacy.[565] Meritocracy is a standard principle guiding the distribution of opportunities and benefits based on ability, talent, and effort. It is a major concept in education that seems to be primarily focused on recognising, fostering, and rewarding excellence. Apart from its value as an ideal, however, many have begun to question the reality of meritocracy, and in a society where opportunities and benefits, including those related to education, are not granted based on merit, the belief in meritocracy serves as a kind of "legitimating myth."

Moreover, this principle is particularly important when recruiting civil servants, as it underscores the necessity of open competition and the establishment of normative legal documents to support this process. Meritocracies are management systems where individuals are appointed and entrusted with responsibilities based on their merits, which are determined through impartial assessments or tests.[566] These systems can be governmental or otherwise. Individuals who possess unique talents have merit that can be acquired through both manual and intellectual labour. However, since skill and intelligence are both relative, there is no fixed definition of merit.

In the modern day, a meritocratic society enables people to potentially achieve any objective. In fact, the distribution of resources ought to be based on merit. However, this approach's clear superiority is obscured by individual beliefs, bureaucratic complexities, national regulations, and other human traits. People in groups, including societies, tend to support and follow those who uphold the group's norms rather than those who may not uphold the shared rules but are still deserving of such loyalty. People who live in meritocratic societies have incentives to perform better at work, feel that their abilities are recognised, and feel valued.[567]

Furthermore, observance of meritocracy is one of the principles of every administration. Meritocracy illustrates a social obligation in which individuals are ranked based on their competency and ability to manage the daily affairs.[568] Meritocracy is crucial in administrative law; it can ensure social and legal justice in a

---

565 Burbules, N. C. (2021). Meritocracy. In *Oxford Research Encyclopedia of Education*.

566 Napoletano, T. (2024). Meritocracy, meritocratic education, and equality of opportunity. *Theory and Research in Education, 22*(1), 3-18.

567 Aman-Rana, S. (2020). In self interest? Meritocracy in a bureaucracy. *Work. Pap., Univ. Va., Charlottesville Google Scholar Article Location*.

568 Mostafapour, M., Samiee, R., Mostaghimi, M., & Cheraghali, M. (2021). Studying the Relationship Between Meritocracy and Administrative System Health in Government Organizations: By Explaining the Mediating Role of Mackenzie Model. *Journal of Critical Reviews, 8*(1), 415-428.

society. Meritocracy seeks to equally characterise social standing and advantages.[569] In order to have a transparent meritocracy, everyone who thinks they are elite or related and can achieve a high position needs to pass the exam, as the Afghanistan Constitution of 2004 stated in Article 50:

> *The citizens of Afghanistan are recruited by the state based on eligibility and ability, without any discrimination, and according to the provisions of law.*

Therefore, adopting a pure meritocracy, in which incentives are determined solely according to an individual's ability and effort, may be viewed as a means of defending individual rights by ensuring equitable access to resources and fair opportunities.

4.2.12 Principle of Proportionality

The principle of proportionality guarantees that administrative measures are appropriate, necessary, and balanced relative to their objectives.[570] It prevents arbitrary or excessive use of authority. In Afghanistan, abuse of authority has often violated proportionality, particularly in licensing, resource allocation, and taxation. Integrating proportionality as a core principle ensures that administrative actions are reasonable, justified, and aligned with the public interest, reducing the space for corrupt practices.

4.2.13 Principles of Natural Justice

The principle of natural justice encompasses two key tenets: “audi alteram partem”, which translates to “hear the other side”, and “nemo judex in causa sua”, meaning “no one should be a judge in their case”. This principle ensures that administrative and judicial decisions are rendered in a manner that is fair, transparent, and impartial.[571]

---

569 Napoletano, T. (2024). Meritocracy, meritocratic education, and equality of opportunity. *Theory and Research in Education, 22*(1), 3-18.

570 Craig, P., & Feldman, D. (2009). Fundamental principles of administrative law. *English Public Law*.

571 Sorabji, J. (2021). Justice without lawyers. In *New Pathways to Civil Justice in Europe: Challenges of Access to Justice* (pp. 221-242). Springer.

In Afghanistan, where governance has traditionally been affected by favouritism, tribal influence, and discretionary abuse, embedding natural justice is critical for strengthening accountability and the rule of law. Its application in an anti-corruption framework would require procedural fairness in disciplinary actions, impartial oversight by independent bodies such as the High Office of Oversight and Anti-Corruption (which has been discussed in Chapter Two), and mechanisms for citizens to challenge illegal or biased administrative decisions.

By institutionalising transparency, providing avenues for redress, and ensuring that officials do not act in their own interest, natural justice diminishes opportunities for corruption, reinforces ethical conduct, and fosters public trust. It serves as a foundational component of a comprehensive anti-corruption system in Afghanistan.

4.2.14 Principle of Separation of Power in Afghanistan

Control of power refers to the effective utilisation of power, whether directly or indirectly, for social activities and providing guidance to the operations of an organisation's departments, irrespective of the stakeholders involved. Control holding is a relative concept pertaining to the control of power in relation to the group of shareholders.[572]

Moreover, control of power has influence, regardless of whether direct or indirect, in determining policies, organisational operations, management, appointment of directors, appointment of high-level executives, or any other sections and actions that may affect the management or operation of the organisation. Separation of powers is another assumption of control of power, and it is crucial for the transparency practiced in an organisation. History has demonstrated that when unlimited power is concentrated in the hands of a single individual or group, it often results in the curtailment of the powers of others. The separation of powers in a democracy serves to prevent the abuse of entrusted authority and to protect the freedoms of all individuals within society.[573] The separation of powers divides the tasks of the government into three branches: executive, judicial, and legislative, in a democratic political unit. Divided tasks due to the separation of powers are assigned to different institutions in

---

572 Pal, B., & Chaudhuri, B. (2024). *Robust control in power systems*. Springer Science & Business Media.

573 *Ibid*.

such a way that each of them can check the others. Consequently, no one institution can become so powerful in a democratic unit as to destroy this system.[574]

Furthermore, the separation of powers incorporates checks and balances to ensure that the three branches of government interact in a balanced and equitable manner. Administrative divisions pertain to the organisation of local government and the provision of services, whereas the separation of powers focuses on the structure of central government. Hence, the following discussion will focus on the administrative divisions of Afghanistan.

4.2.15 Afghanistan Administrative Divisions

In the world, each political unit is defined by its geographical and political characteristics. The most prominent political units are the United Nations and individual countries.[575] Every country is divided into large political units such as provinces, and states are divided into smaller political units such as municipalities, school districts, and counties. As discussed, Afghanistan is divided into 34 large political units and provinces, and every province has various smaller political units such as municipalities, districts, and villages. These subnational governments are governed by a central representative. The provinces and districts are not independent in their policymaking; however, they are legally known as the local governments. In this discussion, the administrative division in Afghanistan includes provinces, districts, municipalities, villages, and counties.

a) Provinces

The large political unit, or province, is governed by a governor, who is the chief executive of provincial affairs and has been selected by the head of state. The Independent Directorate of Local Governance (IDLG) retains the directories of prospective candidates for governor, who are typically from the province.[576] When the

---

574 Hamidi, F., & Jayakody, A. (2015). Separation of Powers under the Afghan Constitution: A case study. *Kabul: Afghanistan Research and Evaluation Unit, 16*.

575 Mingst, K. A., Karns, M. P., & Lyon, A. J. (2022). *The United Nations in the 21st century*. Routledge.

576 Habib, S. (2013). Local Government in Afghanistan: How it works and main challenges. *21th Nispacee annual confernce, 21*(1), 1-16.

governor is either selected or elected, a senior official from the central government is responsible for appointing the governor. If the head of state accepts, the person will be appointed. The statement underscores that all decisions are under the purview of the central government. Every decision is made in Kabul by the parent ministry on provincial staffing, and the Office of Administrative Affairs will be negotiated with oversight by the head of the Independent Administrative Reform and Civil Service Commission (IARCSC). Although the governor grants junior staff appointments (grade 6 and lower for permanent staff, grade 3 and below for contract staff) and relocates, mid-level staff appointments (permanent staff grades 3–5) are accepted by the appropriate minister, and senior staff appointments (grade 2 and above) are accepted by the president.[577]

b) Districts

Afghanistan has 34 provinces, and provinces are divided into 421 districts. The province is subdivided into districts. Managerial arrangements between the province and its districts are like those in central provincial affairs.[578]

Moreover, the provincial officials have comparatively less discretion regarding the central government in Kabul verifying district staffing selection. Although the provincial governor primarily nominates the district governor or the heads of districts. IDLG does retain names of potential candidates. When the candidates are nominated and verified by the Director of IDLG, the candidate names then go to the head of state's office for appointment.

---

577 *Ibid*.

578 Lister, S. (2024). Understanding state-building and local government in Afghanistan.

Table 4.1
Local Institutions within the District in Afghanistan

District- governance Entities Include			
District Council	District courts	District Administration	Private Sector
Civil society			
Shuras	Media	Assemblies & Councils	Communities
District administration			
District Governor	District Offices of Provincial Line Department	District Administrative Assembly (DAA)	District Prosecution Office

Source: The Independent Directorate of Local Governance[579]

c) Municipalities

Municipalities are formed for the purpose of providing the general welfare for citizens. Municipalities are defined as multipurpose administrative, political, and legal entities with precise territorial and geographical margins. Article 141 of the 2004 Constitution states that municipalities are established to administer city affairs.

> *To administer city affairs, municipalities shall be established. The mayor and members of municipal councils shall be elected through free, general, secret and direct elections. Matters related to municipalities shall be regulated by law.*

In the governance and administrative hierarchy, a municipality can exist both within a province and a district, or between a district and a village. There appears to be no clear vertical structure in the provincial hierarchy concerning municipalities. This fluidity can lead to complexities in resource allocation and decision-making processes, as responsibilities may overlap.[580] Consequently, effective collaboration and communication among different levels of governance become essential for addressing

---

579 Brown, F. Z. (2021). *Aiding Afghan Local Governance: What Went Wrong?* Carnegie endowment for international peace.

580 Boex, J., Buencamino, G., & Kimble, D. (2022). *An Assessment of Afghanistan's Municipal Governance Framework*. Urban Institute Center on International Development and Governance.

local issues and ensuring efficient service delivery.

d) Villages

Villages are usually found within districts, which are a subset of provinces in Afghanistan's administrative system. Considering that, provinces are categorised as economic regions. Afghanistan contains approximately 45,000 villages. For instance, Kandahar Province, one of the 34 provinces, is divided into districts and has more than 1,000 villages.[581]

4.3 General principles in Afghanistan

In Afghanistan, general of law principles highlight the rule of law, such as legal certainty, equal application, and human rights protection.[582] These principles are intended to avoid arbitrary acts by state agencies and to enable access to fair dispute resolution methods.

Moreover, Afghanistan's legal system is composed of Islamic, statutory, and customary laws. It has evolved over centuries and is presently changing as the Afghan state is being rebuilt. The Sharia is the supreme law of Afghanistan.[583] This complex legal framework often leads to tensions between traditional practices and modern legal principles. As the country continues to develop, there is an ongoing debate about how to balance these diverse legal influences while ensuring justice and human rights for all citizens.

Furthermore, Afghanistan has complex legislation that emerged during historical periods. For instance, the volumes of the civil code of Afghanistan, which were published in 1977, consist of four sections: book one, rights; book two, responsibilities; book three, designated contracts; and book four, real rights (ownership), developed based on the Egyptian model and promulgated during the time of monarchy. Other legislation came into force after the establishment of the first presidential government under President Daoud Khan, the democratic government

---

581 Nijat, A. (2014). Governance in Afghanistan. *Kabul, Afghanistan: AREU*.

582 Hakimi, M. J., Alekseyeva, K., Birndorf, S., DeMott, J., Galvin, S., Perez-Sangimino, J. P., Rangchi, T., & Talent, M. (2017). An Introduction to the Laws of Afghanistan.

583 Lau, M. (2002). *Afghanistan's legal system and its compatibility with international human rights standards*. International Commission of Jurists Geneva.

between 1978 and 1992, the Mujahideen regime from 1992 to 1996, the first Taliban regime from 1996 to 2001, the Islamic Republic of Afghanistan from 2004 to 2021, and the current Taliban regime.[584] Article 130 of the Constitution of Afghanistan acknowledges that the judges must apply the constitution, legislation, and Islamic jurisprudence: "In cases under consideration, the courts shall apply the provisions of this Constitution as well as other laws."

In addition, the principles of administrative law in Afghanistan are shaped by the principle of legality. The principle of legality means that nobody can be punished without the existence of a law in force at the time the act was committed. The law must anticipate an exact description of the act that is to be punished and the punishment that can be applied.[585] Thus, the law must anticipate an exact description of the act that is to be punished and the punishment that can be applied. This principle guarantees that the state, its organs, and its officials do not consider themselves to be above the law in the exercise of their duties. According to Fazli's (2022) arguments, the legislative system of Afghanistan is based on technical, scientific, and professional methods with a strong consideration for good governance and the rule of law.

In addition, Afghanistan has an exceptional legislative system that includes professional entities, resources, and guidelines for creating effective laws.[586] And the Afghan legal system is composed of Islamic jurisprudence and statutory and customary rules.[587] Under Afghanistan's legal system, the process of passing laws is regarded as scientific, technical, and professional. However, the status of public administration in Afghanistan is mediocre, with challenges such as corruption, weak professionalism, and the absence of a rule of law.[588]

As illustrated, the legal system in Afghanistan is a complicated combination of Islamic law, statutory and customary law, and international treaty obligations.[589] The

---

584 Hashimy, S. Q. (2023). Tracing the History of the Legal System in Afghanistan. *Available at SSRN 4352525*.

585 Sevastik, P. (2020). Rule of law, human rights and impunity: The case of Afghanistan. *Hague Journal on the Rule of Law, 12*, 93-145.

586 Fazli, F. H. (2022). The Law-making Process in the Legal System of Afghanistan. *American Journal of Law and Political Science, 1*(2), 21-28.

587 Yassari, N., & Saboory, M. H. (2010). Sharia and national law in Afghanistan. *Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present*, 273-318.

588 Samsor, A. M. (2020). Challenges and Prospects of e-Government implementation in Afghanistan. *International Trade, Politics and Development, 5*(1), 51-70.

589 Khan, H. M. (2015). *Islamic Law, Customary Law, and Afghan Informal Justice*. JSTOR.

Constitution of 2004 demonstrated Afghanistan as an independent republic,[590] and Islam as its state religion.[591] It additionally states that no state-passed legislation may "contravene the tenets and provisions" of Islam.[592] It requires judges to make decisions based on the state's laws and the Constitution, and in cases where the law is silent, they must decide cases fairly, within the constraints of the Constitution, and in accordance with Islamic jurisprudence.[593] The legal system in Afghanistan evolved from a religious foundation to incorporating modern legal principles, which impacted the Western legal system,[594] which is discussed in the development of Afghan administrative law. However, the relationship between Islamic, normative, and statutory law is still unclear, particularly in areas that have been influenced by tribal traditions and apply Islamic law based on their tribal beliefs. This system has been influenced by both formal constitutional principles and domestic political considerations, with the potential for exclusionary practices. The Taliban's recent takeover of the country and quick changing of the rules have raised questions about the future legal institutions of Afghanistan, as they are not willing to follow democratic values and the citizens' rights.

Statutory and customary laws are another aspect of the Afghan legal system. However, Article Two of the Civil Code 1977 refuses to allow judges and the legislature to use their interpretation if there is an applicable law, but if the law is silent, it guides judges to solve disputes using general principles of Islamic jurisprudence. If the Islamic jurisprudence does not have such guidance, judges are to refer to common customs, so long as those customs do not contradict clauses in laws or the principles of justice.

Additionally, lawmakers are given the task of drafting statutes that follow all the legal sources of law while also considering the economic, security, and political impact of their laws. Thus, courts are then expected to put their faith in the legislators and rely only on customary sources when the law is silent.[595] Likewise, international treaties, the United Nations Charter, the Universal Declaration of Human Rights, and other international agreements that Afghan governments ratified bind the state to

---

590 Article one of the Constitution of 2004 illustrates "Afghanistan shall be an Islamic Republic, an independent, unitary, and indivisible state."

591 Article 2 of the Constitution of 2004 denotes, "The sacred religion of Islam is the religion of the Islamic Republic of Afghanistan."

592 Article 3 of the Constitution of 2004: "No law shall contravene the tenets and provisions of the holy religion of Islam in Afghanistan."

593 Articles 130 and 131 of the Constitution of 2004.

594 Sirat, A. (1968). The modern legal system of Afghanistan. *Am. J. Comp. L., 16*, 563.

595 Rahbari, S. (2018). From normative pluralism to a unified legal system in Afghanistan? *Asian Journal of Law and Society, 5*(2), 289-314.

observe.[596] Notwithstanding Afghanistan's numerous political transitions, the general principles of administrative law are as follows:

a) Equality and Non-Discrimination: Laws should safeguard everyone's rights and be implemented uniformly for all individuals regardless of their background.
b) Protection of Human Rights: Administrative decisions must uphold the dignity and fundamental human rights.
c) Transparency and Accountability: Administrative officials ought to behave transparently, giving justifications for their decisions and taking responsibility for their actions.
d) Access to Justice: Judicial review of administrative decisions is one of the fair and unbiased dispute resolution procedures that citizens should have access to;
e) Separation of Powers: The concept of separation of powers between the legislative, executive, and judicial branches aids in maintaining checks and balances on administrative power. However, it may not be fully implemented.
f) Importance of Legal Certainty: For citizens to comprehend their rights and obligations, laws should be understandable and easily available. This is why the laws are written in the Persian/Dari and Pashto languages.
g) Role of the Loya Jirga: A traditional council of elders, the Loya Jirga, can mediate conflicts and guarantee the defence of citizens' rights and
h) Islamic Influence: The interpretation and implementation of administrative law may be affected by the Islamic values that have shaped Afghanistan's legal system.

4.3.1 The Government Principles

The governing philosophies of Afghanistan during its three phases of republican rule (1973–1978, 1996–2001, and 2001–2021) differed greatly. A coup led to the 1973–1978 Republic, also called the Daoud Republic, which was distinguished by a more secular, nationalist, and socialist perspective.[597] The Islamic Republic of Afghanistan (2001–2021) was a political system based on Islamic principles but also incorporated

---

[596] Article 7 of the 2004 Constitution.
[597] Atkinson, D. (1978). From Communism to Nationalism? The Trajectory of "Post-Communist" Ideology in Afghanistan. *nd Hughes, Geraint."The Soviet–Afghan War, 1989*, 326-350.

aspects of a secular, democratic state. The 2004 Constitution aimed to harmonise these ideals with a liberal international system while maintaining Islam as the recognised religion. In contrast, the Taliban dominated the Islamic Republic of Afghanistan (1996–2001), whose government was founded on strict interpretations of Sharia law and Islamic principles.[598]

Moreover, the structure of Afghan society comprises a variety of ethnic groups and speakers of multiple languages.[599] Historically, governments have frequently exploited ethnicity and religion to validate their authority and preserve power.[600] Likewise, most of the governments in Afghanistan are influenced predominantly by traditional values and have tried to give sovereignty rights themselves by interpreting the Islamic law in their own way and understanding, though not in parallel with the consensus of Islam.[601] The Taliban regained power in Afghanistan through a conspiracy involving the U.S. government, marking their second takeover after being expelled in 2001. They imposed their brand of justice as they consolidated territorial control. Within the Taliban movement, there have been trajectories for the ideological transition. Beginning as a sociocultural movement in the mid-1990s aimed at establishing law and order in Kabul, the Taliban underwent several stages in which its customs and norms appeared misaligned with the sociocultural fabric of the contemporary Afghan state. At this juncture, the movement has reasserted its control over Kabul, albeit from a different standpoint.[602]

The Taliban claimed to build the regime and neglected social services and other basic state functions, even closing the doors of schools for female students and teachers, expelling all female and certain male ethnic group employees from the government departments, and imposing many other restrictions on social services and citizens' basic rights.[603] The Taliban replaced the Ministry of Women's Affairs with the Ministry for the Propagation of Virtue and the Prevention of Vice (MPVPV).[604] The MPVPV

---

598 Murthy, C. (2002). Taliban and the Afghanistan Problem, 1996-2001: Role of the UN. *Himalayan and Central Asian Studies, 6*(1), 4-34.

599 Qutb, M. (2020). Long read: sowing seeds of ethnic division? Afghanistan's constitution and electoral system. *South Asia@ LSE*.

600 Duncan, W. R. (2019). Yugoslavia's Break-up. In *Ethnic Nationalism And Regional Conflict* (pp. 19-51). Routledge.

601 Barfield, T. J. (2022). Afghanistan: A cultural and political history.

602 Kotokey, A., & Borthakur, A. (2021). The ideological trajectory within the Taliban movement in Afghanistan. *Asian Journal of Middle Eastern and Islamic Studies, 15*(2), 205-219.

603 Yasa, A. R. (2022). Human Rights Violations in Afghanistan: An Analysis of Women Plights under the Taliban.

604 Taliban replace women's ministry with Ministry of Virtue and Vice, employees locked out.

enforced prohibitions on behaviours that the Taliban considered un-Islamic. This included compelling women to wear the head-to-toe burqa or chadri, banning music and free media, and jailing or humiliating men whose beards were deemed too short.

For the first time, between 1996 and 2001, the Taliban regime was internationally isolated from its inception; likewise, this regime still has not been recognised by any state in the world, which has brought many challenges to citizens' administrative, social, and economic affairs. Nevertheless, between 1996 and 2001, Saudi Arabia, the United Arab Emirates, and Pakistan were the only countries to recognise the Taliban government.[605]

Furthermore, the 2004 Constitution, in the first article, declares that Afghanistan is an Islamic Republic and an independent country: "Afghanistan shall be an Islamic Republic, an independent, unitary, and indivisible state." The rules and legislation need to be approved based on Islamic principles, and Article Two of this constitution states that the sacred religion of Islam is the religion of the Islamic Republic of Afghanistan. Followers of other faiths shall be free within the bounds of law in the exercise and performance of their religious rituals," and Article Three of this constitution declares, "Law shall not contravene the tenets and provisions of the holy religion of Islam in Afghanistan. In addition, Afghanistan is defined as a republic, wherein certain national laws and legislation must be approved by both houses of the National Assembly. This process aims to ensure the provision of social services to citizens and the protection of their rights, as Article 94 of the 2004 Constitution establishes the constitutional procedure for enacting laws in Afghanistan, requiring approval by both houses of the National Assembly and endorsement by the President, thereby reinforcing the principles of checks and balances, separation of powers, and constitutional supremacy. The President's ability to reject a bill within 15 days, while providing reasons for rejection, ensures executive oversight and accountability, whereas the provision allowing the House of People to re-approve the bill with a two-thirds majority safeguards legislative supremacy and democratic legitimacy. This structured process promotes the rule of law, transparency, and predictability in governance, reducing opportunities for arbitrary enactment of laws and providing a legal foundation for enforcing anti-corruption measures. However, practical challenges such as political polarisation, misuse of veto powers, or weak enforcement may affect its effectiveness,

---

605 Guelke, A. (2006). Terrorism and global disorder.

highlighting the need for robust institutional mechanisms to ensure that legislation supporting governance and anti-corruption initiatives is implemented consistently and fairly.

Hence, in Afghanistan, governments took power and somehow established their bodies as a combination of Islamic law and state legislation, although the separation of powers was not guaranteed from its inception. This resulted in a complex legal landscape where traditional practices often clashed with modern governance. Consequently, the challenges of implementing a coherent legal framework persisted, leading to ongoing debates about the balance between religious principles and state authority.

4.3.2 The Afghanistan Government Framework and Structure

Afghanistan has a unitary, concentrated system of government, with 34 provinces (wilayat) and other divisions into 421 districts (Woleswali). The head of state appoints the provincial governors. The executive, legislative, and judicial branches of government make up the legal system, which is founded on the Constitution.[606] The district governor (Wolusmal) is appointed by the president, with the approval of the House of Representatives. This means that the president proposes district candidates, and the House of Representatives approves or rejects the selection. In the past, district councils also played an important role in selecting members of the House of Elders (Mesherano Jirga); however, this role is now exclusively in the authority of the president.[607]

The governments in Afghanistan are centralised and made of three branches: legislative, judiciary, and executive. The president, the head of government, is chief of the executive branch and leads the cabinet. Afghanistan is a centralised government; the administration consists of thirty-four provinces, and each province has a local government that is connected to the central government in Kabul city. Every province is led by a governor selected directly by the president, the head of government. The governors are the chief executives at the province levels. The Afghanistan constitution illustrates that Afghanistan is made of three branches, and their functions are based on

---

606 Habib, S. (2013). Local Government in Afghanistan: How it works and main challenges. *21th Nispacee annual confernce, 21*(1), 1-16.

607 Mukhopadhyay, D. (2016). *Provincial governors in afghan politics*. JSTOR.

control of power to protect the citizen's rights. Every branch is independent in its functions and responsible to the people's representatives in the people's house (Parliament).[608] This section of the research aims to examine the three branches of government in Afghanistan and their role in the control of power.

The legislative branch of the Afghanistan government is the National Assembly, which consists of two houses: the House of the People (Wolesi Jirga) and the House of Elders.[609] According to the constitution of Afghanistan, the National Assembly of Afghanistan is considered the highest legislative organ that represents the people of the entire nation, as Article 81 of this constitution states: "The National Assembly of the Islamic Republic of Afghanistan, as the highest legislative organ, is the manifestation of the will of its people and represents the whole nation."[610] In the national assembly, every member takes into judgement the general welfare and supreme benefits of all people of Afghanistan at the time of casting their vote. Furthermore, the legislative branch of Afghanistan supervising the government's performance and representing their clients as well as their needs and demands are the main duties of the people's representatives in the parliament. The House of People comprised 249 members elected by the people through free, secret, and direct voting, along with one designated representative for Afghan Hindu citizens. The members of the House of Elders were 102 representatives; one-third of them have been selected by the people from 34 provinces, another one-third selected by the provincial assembly, and 34 of them selected by the president. There is no district assembly yet.[611]

Moreover, according to Afghanistan's constitution, at least two women must be elected as members of the House of People from each province. However, even if they fail to secure sufficient votes to be elected to the House of the People. The duties of both houses are to supervise the government's performance and represent the people's demands and needs.

The executive branch constitutes one of the branches of the government of Afghanistan. The government is comprised of 25 ministries, the Central Bank, National Security, the Attorney General's Office, General and Independent Directorates, and

---

608 *Ibid*

609 Weinbaum, M. G. (1972). Afghanistan: Nonparty parliamentary democracy. *The Journal of Developing Areas, 7*(1), 57-74.

610 *Constitution 2004,* Articles. 81.

611 *Ibid*

entities under the chairmanship of the President's Office and the Human Rights Commission. The president appoints the ministers, the head of the central bank, the attorney general, the national security director, and the members of the independent commission for overseeing the implementation of the constitution with the endorsement of the House of the People. The ministers, the head of the independent directorates, and the head of independent commissions are considered accountable for their work to the president and the House of the People. According to the constitution, the executive branch has the duties of executing the provisions of the constitution, other laws, and the final decisions of the courts; defending the territorial integrity and safeguarding the basic rights of citizens; preserving the independence; maintaining public law and order and preventing every kind of administrative corruption; preparing the budget; regulating financial conditions of the state; protecting public wealth; and devising and implementing cultural, social, economic, and technological development programs in every province under the constitution's lights.[612]

Furthermore, the executive branch must preserve the principles of centralism of the Afghanistan government, including central administrative units such as the independent general directorates, ministries, and entities in the centre and their representations in the provinces and districts. To improve the management of provincial affairs and conditions, governors serve as the heads of local government and direct representatives of the president and are accountable to the president for their work. In the districts, district governors lead local administrations and are directly accountable to the relevant provincial governors for their actions. In rural areas, the provincial council in each province and district serves as an elected body that advises local administrations on the implementation of government programs. In contrast, in the cities, the mayor and members of the municipal councils have been elected through elections whose responsibilities are to manage and provide city and municipal services.[613]

Considering the constitution, the judiciary is illustrated to be an independent organ of the Afghan government. The judiciary consists of one supreme court, courts of appeal, and the primary courts, whose organisation, duties, and authority are

---

612 Katzman, K. (2020). *Afghanistan: Politics, elections, and government performance*. Congressional Research Service Washington, DC.

613 *Ibid*.

regulated by law.[614] The supreme court is the highest judicial organ leading the judicial power of the Afghanistan government. The Supreme Court is a combination of nine members, appointed by the president and with the endorsement of the House of People (Wolesi Jirga).[615] Three members of the Supreme Court have been appointed for four years, three members for seven, and three others for ten years, appointed by the president after obtaining votes of confidence from the House of People. The president selects one of their members as the head of the Supreme Court. The members of the Supreme Court would not be dismissed until the end of their tenure unless the House of People approve this demand by a two-thirds majority of all members; the accused members will be dismissed, and the issue will be referred to a special court.

In addition, along with the legislature and government, the Supreme Court will interpret and review the laws, legislative degrees, international treaties, and international conventions for their compliance with the constitutions of Afghanistan and their interpretation in accordance with the law. Based upon the judicial system of Afghanistan, in all criminals, legal, and special cases, the court process will have three phases: primary, appeal, and supreme court.[616]

4.4 Linking Legal Principles to Theoretical Insights

While legal principles provide normative guidance, the Fraud Triangle Theory and Fayol's Management Theory offer valuable practical insights for implementing anti-corruption measures:

Initially, the Fraud Triangle Theory identifies three key conditions that enable corruption: pressure, rationalisation, and opportunity.[617] By implementing principles such as transparency, accountability, and legality, organisations can reduce opportunities for corrupt behaviour and limit the rationalisations that individuals may use to justify their actions. This approach directly addresses the behavioural factors that contribute to corruption.

Moreover, Fayol's Management Theory highlights five key functions: planning,

---

614 Hakimi, M. J. (2021). The Judiciary and the Rule of Law in Afghanistan. *Judicature, 105*, 24.

615 Amin, A. S., Albrecht, P.-A., & Sack, F. (2020). *Judicial Independence in Afghanistan: A Study of the Legal System in Light of International Standards, Islamic Principles and the Afghan Legal Tradition*. BWV Berliner Wissenschafts-Verlag.

616 Sirat, A. (1968). The modern legal system of Afghanistan. *Am. J. Comp. L., 16*, 563.

617 Dorminey, J. W., Fleming, A. S., Kranacher, M.-J., & Riley Jr, R. A. (2010). Beyond the fraud triangle. *The CPA Journal, 80*(7), 17.

organising, commanding, coordinating, and controlling.[618] Effective organisational design and management enhance compliance with legal principles, clarify roles and responsibilities, and ensure systematic enforcement.

Collectively, these theories offer structural and behavioural perspectives, illustrating how legal principles might be implemented in administration to effectively mitigate corruption.

4.5 Conclusion

Chapter Four has demonstrated that Afghanistan's administrative and legal system is founded on a wide spectrum of core principles, including legality, the rule of law, constitutional rights, legitimate expectations, reasonableness, time limits, transparency, neutrality, equality, accountability, meritocracy, proportionality, natural justice, and the separation of powers. Together, these principles constitute the normative foundation for a fair, predictable, and anti-corruption framework. However, this chapter further illustrated that, notwithstanding their inclusion in Afghanistan's constitutional and statutory framework, these principles have been undermined in practice by political interference, inconsistent application, institutional fragmentation, and the absence of a professional administrative culture. The examination of Afghanistan's administrative divisions and governmental structure further highlighted that the inherent structural complexity, overlapping authorities, and inadequate local oversight have generated vulnerabilities that corruption can exploit.

Moreover, by incorporating theoretical perspectives such as the Fraud Triangle Theory and Fayol's Management Theory, the chapter clarified that corruption in Afghanistan stems not only from institutional weaknesses but also from behavioural incentives, organisational pressures, and managerial deficiencies.

Furthermore, the integration of theoretical insights in this chapter explained why legal principles often fail to translate into practice: without a framework that reduces opportunities for corruption, strengthens controls, and reinforces ethical behaviour, administrative integrity cannot be sustained.

This chapter also importantly examined the anti-corruption experiences of New Zealand and Singapore, two nations widely acknowledged as global frontrunners in

---

618 Fayol, H. (2016). *General and industrial management*. Ravenio Books.

integrity frameworks. Their success illustrates that corruption can be significantly diminished when legal principles are rigorously enforced through robust institutions, transparent processes, independent oversight, merit-based recruitment in the public service, and a deeply entrenched culture of accountability. Both countries underscore the transformative potential of professionalism, efficient administration, civic trust, and well-defined legal constraints on discretionary power, factors that are particularly pertinent to the governance challenges currently faced by Afghanistan. While the political, cultural, and institutional contexts of Afghanistan differ markedly from those of New Zealand and Singapore, the fundamental lessons they offer remain profoundly instructive.

In addition, according to the depiction in this chapter, strengthening legality, operationalising transparency, enforcing accountability, developing a meritocratic civil service, and ensuring impartial decision-making are not merely theoretical ideals; they are practical tools essential to building a functional, corruption-resistant state.

Additionally, the international frameworks demonstrated that the principles discussed in this chapter are not mere abstractions; rather, they serve as the foundation for effective anti-corruption frameworks when translated into coherent structures and applied consistently.

Consequently, Chapter Four establishes the essential theoretical and comparative foundation for the subsequent sections of the thesis: the formulation of a practical, context-sensitive anti-corruption framework appropriate for Afghanistan. By integrating Afghanistan's legal principles with international best practices and theoretical insights, the upcoming chapter will illustrate how these principles can be effectively operationalised. This approach aims to bolster the rule of law, enhance administrative performance, and significantly mitigate corruption in Afghanistan.

CHAPTER 5
ANALYSIS OF ANTI-CORRUPTION FRAMEWORKS: INSIGHTS FROM NEW ZEALAND AND SINGAPORE FOR AFGHANISTAN

5.1 Introduction

Administrative corruption has been an enduring challenge in Afghanistan, undermining governance, weakening institutions, and eroding public trust in administrative bodies.[619] It also diminishes state capacity, distorts public service delivery, and obstructs the implementation of development policies. To address these challenges, it is essential to conduct a thorough analysis of international anti-corruption frameworks to identify lessons that can be adapted to Afghanistan's unique socio-political and institutional context.

This chapter, therefore, provides a comparative analysis of New Zealand and Singapore, with an emphasis on their anti-corruption legislation, institutions, enforcement mechanisms, and governance culture. The analysis employs a legal doctrinal and library-based methodology, scrutinising the statutory and institutional frameworks that support effective anti-corruption systems. In contrast to purely theoretical studies, this chapter highlights practical insights and lessons that Afghanistan could adopt to improve accountability, transparency, and ethical governance. Through analysis of the preventive strategies employed in New Zealand alongside the enforcement-focused approaches of Singapore, this chapter addresses the research questions pertaining to the underlying causes of corruption, effective strategies for its reduction, and the mechanisms necessary to enhance the rule of law.

A comparative study approach facilitates the identification of universal principles that can be applied across various political and cultural contexts. Both New Zealand and Singapore illustrate that achieving success in anti-corruption efforts necessitates a blend of legal clarity, institutional independence, a professionalised civil service, transparent governance, and consistent enforcement.[620] The adaptation of these

---

619 Barfield, T. J. (2022). Afghanistan: A cultural and political history.

620 Rose-Ackerman, S., & Palifka, B. J. (2016). *Corruption and government: Causes, consequences, and reform*. Cambridge university press.

anti-corruption insights provides a foundation for developing contextually appropriate improvements to Afghanistan's rule of law.

5.2 Rationale for Selecting New Zealand and Singapore

The selection of New Zealand and Singapore is justified for three main reasons. Initially, both countries consistently achieve low levels of public-sector corruption, ranking among the least corrupt nations globally. Their sustained success reflects not only robust legal frameworks but also a culture of integrity and effective institutional oversight.[621] The examination of these countries offers a dependable standard for comprehending mechanisms that could be adapted to the context of Afghanistan.

The second justification is that the two countries provide contrasting yet complementary approaches to combating corruption. New Zealand exemplifies a preventive, transparency-oriented model that emphasises openness, citizen engagement, and procedural fairness.[622] This system is characterised by multi-layered oversight, legal clarity, and collaborative institutional checks that work together to deter corruption. Singapore, in contrast, exemplifies an enforcement-driven approach, featuring a centralised and independent investigative authority Corrupt Practices Investigation Bureau (CPIB) tasked with detecting and prosecuting corruption. This model places a strong emphasis on discipline, predictability, and the professionalisation of the civil service.[623] A comparison of these models reveals a spectrum of strategies, presenting both preventive and punitive mechanisms that Afghanistan could potentially adapt.

Furthermore, the third justification is that both New Zealand and Singapore adhere to universal governance principles, including legality, transparency, accountability, impartiality, and meritocracy. These principles resonate with Afghanistan's constitutional framework, suggesting that their anti-corruption practices could be applicable within the Afghan context. Examining these countries' anti-corruption frameworks enables the identification of both practical and theoretical

---

621 Huther, J., & Shah, A. (2020). *Anti-corruption policies and programs: A framework for evaluation* (Vol. 2501). World Bank Publications.

622 Gregory, R., & Zirker, D. (2022). Historical corruption in a 'non-corrupt'society: Aotearoa New Zealand. *Public Administration and Policy, 25*(2), 150-162.

623 Quah, J. S. (2020b). Curbing corruption and enhancing trust in government: Some lessons from Singapore and Hong Kong. In *Handbook of Asian criminology* (pp. 25-47). Springer.

lessons that transcend local political structures, thereby informing potential institutional and legal reforms in Afghanistan.

5.3 New Zealand's Anti-Corruption Framework

With increasing awareness of the threats caused by corruption, developed countries are adopting anti-administrative corruption laws in accordance with those required under the UNCAC, the UN Code of Conduct on Transnational Corporations (1987), and their existing anti-corruption legislation.[624]

Every country's citizen and individual must be aware of their anti-corruption laws. When operating abroad, they need to understand the local anti-administrative corruption laws in any country where they conduct business. It is important to recognise that these laws may impose stricter regulations than those in their own country.[625] In the beginning, New Zealand endorsed several crucial international anti-corruption conventions, including the United Nations Convention against Corruption (UNCAC), the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and the Anti-Bribery Convention, as well as the Asia-Pacific Economic Cooperation (APEC) and the Santiago Commitment to Combat Corruption and Ensure Transparency.[626] New Zealand is a signatory to each of the above-mentioned conventions. New Zealand has strengthened its domestic anti-administrative corruption frameworks by enacting the "Organised Crime and Anti-corruption Legislation Bill (the Organised Crime Bill).[627]

Moreover, to reach a corruption-free country, New Zealand has strengthened anti-corruption laws and the Serious Fraud Office (SFO).[628] SFO is committed to proactively detecting, investigating, and prosecuting both public and private sector corruption. Alongside the UNCAC, the Bribery of Foreign Public Officials in International Business Transactions (OECD Anti-Bribery Convention) and the APEC

---

624 Sauvant, K. P. (2015). The negotiations of the United Nations code of conduct on transnational corporations: experience and lessons learned. *The Journal of World Investment & Trade, 16*(1), 11-87.

625 Coonrod, S. (1977). United Nations Code of Conduct for Transnational Corporations, The. *Harv. Int'l. LJ, 18*, 273.

626 Biegelman, M. T., & Biegelman, D. R. (2010). *Foreign Corrupt Practices Act compliance guidebook: protecting your organization from bribery and corruption*. John Wiley & Sons.

627 Adams, A. (2014). Organised Crime and Anti-corruption Legislation Bill–First Reading. *New Zealand Parliamentary Debates, 4*.

628 Ramage, S. (2005). *Fraud and the Serious Fraud Office: Fraud Law: Book Two*. iUniverse.

Santiago Commitment are enforcing any other foreign anti-corruption acts; particularly for those New Zealanders operating abroad, they need to be aware of the overlapping acts that may apply to their business.[629]

Furthermore, New Zealanders and individuals should familiarise themselves with the U.S. Foreign Corrupt Practices Act (FCPA) and the U.K. Bribery Act 2010.[630] The FCPA is a federal statute in the United States that forbids the bribery of foreign government officials for commercial gain. It comprises two primary components: anti-bribery provisions and accounting provisions.[631]

In addition, New Zealand has developed a robust cultural aversion to corruption, which is a significant factor in its consistently high ranking on global corruption perception indices.[632] New Zealand joined the OECD in 1997 and ratified it in 2001. This convention holds the nations accountable to criminalise the offence of bribery from the signatory country to a foreign public official (e.g., customs officials) in the context of international business.[633] New Zealand's success in combating administrative corruption is attributed to its geographical isolation, egalitarian socioeconomic and cultural traditions, its strong cultural and legal ties to Britain, and its unique civil service regulations, which are a set of formal and informal rules, customs, and sanctions that shape people's conduct and interactions in search of a broad goal or outcome.[634]These factors largely contributed to New Zealand's success in combating corruption.[635] Therefore, along with ratifying international anti-corruption conventions, enacting effective anti-corruption laws, implementing laws, maintaining the rule of law, and establishing effective anti-corruption bodies, including the SFO, adopting a culture of zero tolerance for administrative corruption, and promoting egalitarian socioeconomic and cultural traditions have contributed to combating

---

629 Kondratovich, A., & Sidiuk, V. (2023). Features of doing business in New Zealand.

630 Zirker, D. (2017a). Success in combating corruption in New Zealand. *Asian Education and Development Studies*.

631 Trautman, L. J., & Altenbaumer-Price, K. (2011). The foreign corrupt practices act: Minefield for directors. *Va. L. & Bus. Rev., 6*, 145.

632 Dipierro, A. R., & Rella, A. (2024). What lies behind perceptions of corruption? A cultural approach. *Social Indicators Research, 172*(2), 371-391.

633 Gregory, R., & Zirker, D. (2017). Corruption in New Zealand: a case of reputational erosion? In *The Changing Face of Corruption in the Asia Pacific* (pp. 149-166). Elsevier.

634 van der Heijden, J. (2021). New Zealand's Regulatory Stewardship as a guiding philosophy for regulatory reforms. *Jeroen van der Heijden (forthcoming)" Guiding philosophies for regulatory reforms: Exploring Regulatory Stewardship in New Zealand". IN: KIPA (Eds) Global Issues in Public Administration. Seoul: Korean Institute of Public Administration*.

635 Zirker, D. (2017b). Success in combating corruption in New Zealand. *Asian Education and Development Studies, 6*(3), 238-248.

administrative, corporate, and governmental corruption in New Zealand. New Zealand's strategy for addressing corruption is based on a combination of legislation, enforcement bodies, and international cooperation.[636] New Zealand's approach to tackling corruption relies on a blend of legislation, enforcement agencies, and international collaboration. This section of the chapter will explore the three key pillars of the anti-corruption framework in New Zealand.

5.3.1 Legislation

New Zealand's legislative system, based on the Westminster model, asserts that Parliament possesses ultimate authority and can enact laws on any subject.[637] A bill is a draft of a proposed law that passes through multiple stages before it becomes an Act of Parliament and is the first step in the process. Public debate and scrutiny are integral components of these phases, allowing for the amendment and modification of the proposed measure.[638] In New Zealand, legislation is paramount due to the notion of parliamentary sovereignty, which asserts that Parliament is supreme and may enact whatever law it deems appropriate. This means that the judiciary cannot interfere with Parliament's legislative decisions, leaving the legislation unhindered legally.[639]

Moreover, the legislative system of New Zealand, founded on the Westminster model, confers ultimate authority to Parliament. This indicates that no other governmental entity can supersede Parliament's determinations, and its acts are exempt from judicial scrutiny. The legislative process entails a bill, which is a draft proposal for new legislation or an amendment to an existing law, undergoing multiple phases prior to its enactment as an Act of Parliament.[640]

Furthermore, the anti-corruption laws in New Zealand are divided into the primary sources of acts and secondary legislation.[641] The primary legislation governing corruption in New Zealand is the Crimes Act 1961, specifically Part 6, which pertains

---

636 Lin, L. S. (2023). Asian Organized Crime in New Zealand: Perception, Institutions, and Policy Responses. In *Asian Organized Crime and the Anglosphere* (pp. 117-132). Springer.

637 Ekins, R., & Gee, G. (2021). Reforming the Lord Chancellor's Role in Senior Judicial Appointments. *Policy Exchange, 22*.

638 McDonald, J. (1952). New Zealand land legislation. *Australian Historical Studies, 5*(19), 195-211.

639 Geddis, A. (2016). Parliamentary government in New Zealand: Lines of continuity and moments of change. *International Journal of Constitutional Law, 14*(1), 99-118.

640 *Ibid*.

641 Masters, A., & Hall, K. (2024). Corruption in Australia and New Zealand. In *Corruption in a Global Context* (pp. 155-176). Routledge.

to bribery and corruption, including offences involving public officials, judicial corruption, bribery of judicial officers, corruption and bribery of ministers of the Crown, corruption and bribery of members of Parliament, corruption and bribery of law enforcement officers, corruption and bribery of officials, corrupt use of official information, bribery of a foreign public official based on this Act, foreign country including a territory for whose international relations the government of a foreign country is responsible, and an organised foreign area or entity, including an autonomous territory or a separate customs territory, a foreign government which includes all levels and subdivisions of government, such as local, regional, and national government Foreign public agency means any person or body, wherever situated, that carries out a public function under the laws of a foreign country.

In addition to the primary anti-corruption sources, anti-corruption and bribery in the private sector are addressed by the Secret Commissions Act 1910, which makes corrupt gifts to agents illegal. While there is no dedicated anti-corruption law, the Organised Crime and Anti-corruption Legislation Bill has amended the Crimes Act and other relevant statutes.[642] However, secondary legislation in New Zealand refers to laws enacted by entities that are not part of Parliament, using the authority granted by a primary Act of Parliament or the royal prerogative.[643] The overall structure outlined in primary law is essentially implemented by the specific rules and regulations that it provides.[644]

5.3.2 Enforcement Agencies

New Zealand Police and the SFO are the main agencies in charge of implementing anti-corruption laws in the country. The SFO is in the position of looking into and prosecuting cases of complex or significant fraud, including corruption and bribery. The police are responsible for managing other crimes, and both departments oversee investigating bribery allegations.[645] The SFO, New Zealand's public service body, is responsible for identifying, looking into, and prosecuting major and intricate

---

642 Palmer, G. W. (2019). The reform of the Crimes Act 1961. *Victoria U. Wellington L. Rev., 20*, 9.
643 McGee, D. (2021). *Parliamentary Practice in New Zealand*. Oratia Media Ltd.
644 Masters, A., & Hall, K. (2024). Corruption in Australia and New Zealand. In *Corruption in a Global Context* (pp. 155-176). Routledge.
645 Shameem, S. (2022). New Zealand: a current analysis of the New Zealand serious fraud office. *Journal of Financial Crime, 6*(2), 195-199.

financial crimes, including corruption. The SFO is the primary law enforcement organisation in New Zealand tasked with looking into and prosecuting major financial crimes, such as corruption and bribery. Ninety percent of the 50 or so staff of the Auckland-based agency are employed on the front lines. Since operational decisions are made independently of ministerial direction, it maintains statutory independence. The Serious Fraud Office Act of 1990 established the agency, which is modelled after its UK counterpart. Following the 1987 stock market crash, the capital markets collapsed, necessitating the creation of the SFO. SFO was established in 1990 in response to corruption arising from the 1980s financial crisis, specifically the share market crash of 1987.[646] In about one year, the total amount of money involved in corporate fraud in New Zealand increased dramatically from NZ$10–15 million before 1988 to NZ$50–70 million in 1989, which is a NZ$55–60 million increase in only one year. Consequently, the New Zealand Department of Justice proposed establishing a specialist institution and legal mechanism for the investigation of serious fraud to the parliament in 1989.[647] Hence, the SFO has been one of the essential factors in combating administrative corruption in New Zealand since 1990.

Moreover, another factor that has contributed to preventing administrative corruption in New Zealand is society's absolute zero tolerance for corruption. In this country, both the government and the public actively avoid administrative corruption.[648] New Zealand has long been viewed as a nation with minimal governmental corruption.[649] Recently, it has consistently been ranked among the five least corrupt countries worldwide according to Transparency CPI. According to Charles H. Lipson, there is a direct connection between the country's egalitarianism and the absence of corruption in the bureaucratic routine of New Zealand's government. Indeed, the honesty and integrity of societal workers, whether in the public or private sectors, can maintain a country's position at the top of the CPI. Conversely, even more stringent laws and longer prison sentences would not deter the spread of corruption seen in other

---

646 Tanzi, V. (1998). Corruption around the world: Causes, consequences, scope, and cures. *Staff papers, 45*(4), 559-594.

647 Roll, R. (1988). The international crash of October 1987. *Financial analysts journal, 44*(5), 19-35.

648 Gregory, R. (2021). Governmental corruption and social change in New Zealand: Using Scenarios, 1950–2020. *Asian Journal of Political Science, 14*(2), 117-139.

649 Gregory, R., & Zirker, D. (2013). Clean and green with deepening shadows? A non-complacent view of corruption in New Zealand. In *Different Paths to Curbing Corruption* (pp. 109-136). Emerald Group Publishing Limited.

nations.[650] Lipson noted the generally high standard of personal integrity prevailing among New Zealand's civil servants and observed in its civil service a commendable absence of graft and a code of ethics. Lipson related this to job security, strict accounting and audit requirements, and an inner check reflecting public servants. Most of the characters mentioned in the New Zealand government's public servants seem to be absent from most Asian countries' public servants. According to Charles H. Lipson, there is a direct connection between the country's egalitarianism and the absence of corruption in the bureaucratic routine of New Zealand's government. He noted the generally high standard of personal integrity prevailing among New Zealand's civil servants and observed in its civil service a commendable absence of graft and a strict code of honesty. There is a strong culture of integrity, and institutions remain largely free from systemic corruption. Lipson related this to job security, strict accounting and audit requirements, and an inner check for public servants. Most of the characteristics mentioned for the New Zealand government's public servants seem to be absent in countries where corruption prevails.

5.3.3 International Cooperation

Through bilateral agreements and multilateral frameworks, New Zealand actively participates in international cooperation to combat corruption. Sharing intelligence, providing technical support, and collaborating on investigations, especially those involving international bribery, are key priorities.[651]

Moreover, New Zealand participates in international programmes such as the International Foreign Bribery Taskforce (IFBT) and the International Anti-Corruption Coordination Centre (IACCC).[652] Here are some aspects of the international measures that countries like New Zealand have been implementing to address administrative corruption. The United Nations code of conduct on transnational corporations has defined the term "transnational corporations" as an enterprise combination of entities in more than one country, regardless of the fields of activity and legal form of those

---

650 Lipson, L. (2024). *The politics of equality*. Victoria University Press.

651 Gregory, R. (2021). Governmental corruption and social change in New Zealand: Using Scenarios, 1950–2020. *Asian Journal of Political Science, 14*(2), 117-139.

652 Masters, A., & Hall, K. (2019). Corruption in Australia and New Zealand. In *Corruption in a Global Context* (pp. 155-176). Routledge.

entities, that operates in a political unit. The term "transnational corporation," as defined in this code, refers to a business that can be of public, private, or mixed ownership. This definition includes entities located in more than one country, regardless of their legal form or areas of activity, and operates under a system of decision-making. The initial approach of the United Nations Draft on Transnational Corporations (UNDOTC) is to respect national sovereignty and observance of domestic laws, regulations, and administrative procedures to bring, practice, and maintain transparency in the target country that ratified the UNCAC and other international agreements for preventing administrative corruption.[653] UNDOTC illustrates that the corporations are required to respect the national sovereignty of the nations in which they operate and the right of every single political unit to practice its complete permanent sovereignty in accordance with the international laws compliant with agreements reached by the countries concerned on a liberal and multilateral basis over its administrative affairs, natural resources, and economic activities within its territory.

Hence, Paragraph 8 of UNDOTC declares that foreign corporations should carry on their activities in accordance with the development policies, objectives, and priorities set out by the governments of the countries in which they operate and need to work seriously towards making positive contributions to the achievements of such goals at a single national and, as appropriate, regional level within the framework of regional programmes at the international level. This provision stands in stark contrast to international organisations and businesses that have operated within Afghanistan, often manipulating development progress and influencing policymaking.[654]

Furthermore, the UNODC oversees maintaining the UNCAC and acts as the secretariat of its conference of state parties.[655] The UNODC's job is to support UN member states in adhering to international treaties pertaining to drug control and terrorism, as well as conventions against corruption and transnational organised crime. This goal is typically the focus of its technical assistance.[656] UNCAC has been praised with optimism as a significant step in the worldwide battle against corruption. Among anti-corruption tools, UNCAC is the most extensive and all-encompassing. Despite

---

653 Drugs, U. N. O. o. (2004). *United Nations convention against corruption*. UN.

654 Bak, M. (2019). *Corruption in Afghanistan and the role of development assistance*. JSTOR.

655 Weilert, A. K. (2016). United nations convention against corruption (UNCAC)–after ten years of being in force. *Max Planck Yearbook of United Nations Law Online, 19*(1), 216-240.

656 Strong, V. Australian Multilateral Assessment March 2012.

being a legally binding multilateral treaty, UNCAC's ability to impact the domestic legal systems of its "States Parties"[657] is restricted due to most of its non-mandatory criminalization provisions and other ambiguous and imprecise norms.

In addition, as many of the UNCAC's provisions include qualified and optional language, States Parties may opt not to implement several of its stipulations. The inclusion of non-mandatory criminalisation provisions in the Convention may hinder domestic enforcement agencies' ability to uphold their stipulations regarding international cooperation, particularly in areas such as extradition and mutual legal assistance.[658] The UNCAC addresses five key areas: preventive measures, technical assistance, information exchange, international cooperation, and the criminalisation of offences alongside law enforcement.[659]UNCAC addresses many different types of corruption, including trading in influence, bribery, abuse of functions, and a variety of corrupt practices in the private sector. The UNCAC draft was negotiated during seven sessions of the "Ad Hoc Committee"[660] for the Negotiation of the Convention against Corruption, conducted between January 2002 and October 2003. It was decided to give the Ad Hoc Committee the greatest latitude possible in negotiating the terms and content of the UNCAC while taking into consideration the best ways to build upon existing legal instruments (like the United Nations Convention against Transnational Organised Crime). The scope and substance of the new convention were discussed in the ensuing negotiations, and there was broad support for a thorough and interdisciplinary approach to writing the text. Delegations offered their opinions on various matters, such as whether the convention should address certain types of corruption, whether criminal provisions should be supplemented by civil and administrative law measures, and how crucial it is to give equal weight to enforcement and prevention strategies. The UN General Assembly adopted the Convention against Corruption in October 2003, and as of February 2020, it had 187 States Parties and 140 signatories, having come into force in December 2005. This treaty's creation and implementation are remarkable because of its global reach and the breadth of its anti-

---

657 There are 190 parties as of October 2023, comprising 185 UN members, the Cook Islands, Niue, the Holy See (Vatican City), the State of Palestine, and the European Union.

658 Rose, C., Kubiciel, M., & Landwehr, O. (2019). *The United Nations convention against corruption: A commentary*. Oxford University Press.

659 Drugs, U. N. O. o. (2004). *United Nations convention against corruption*. UN.

660 A temporary committee formed to address a particular issue is known as an Ad Hoc committee. The executive leadership usually appoints members of the Ad Hoc committee.

corruption provisions, which cover both preventive and punitive measures. UNCAC also tackles the transnational aspect of corruption by taking into consideration the requirement for global collaboration and terms pertaining to the repatriation of pilfered property. Notably, to guarantee that citizens have access to information, the UNCAC emphasises the critical role that civil society organisations play in terms of accountability and oversight of asset return procedures.[661]

Additionally, the UNCAC provides a preventive model that combines prevention, criminalisation, international cooperation, and asset recovery. To effectively combat corruption, prevention is the first step in the legal process. Anti-corruption preventive measures and procedures are included in Chapter II of the UNCAC. Among the model preventive measures are the creation of anti-corruption organisations and increased transparency in the funding of political parties and elections. Countries must try to guarantee that protections that support effectiveness, openness, and merit-based hiring apply to their public services. Public employees should be subject to codes of conduct, requirements for financial and other disclosures, and suitable disciplinary actions after they are hired. Furthermore, to prevent corruption in particularly important areas of the public sector, such as the judiciary and public procurement, specific requirements for doing so must be established. Transparency and accountability in matters of public finance must also be promoted.[662] Hence, Article 5 of the UNCAC enjoins each state party to establish and promote effective practices aimed at the prevention of corruption.[663]

According to UNCAC provisions, those who make use of public services must expect a high standard of conduct from their public servants. Subsequently, everyone in society needs to contribute to the effort of preventing public corruption.[664] Considering these reasons, the Convention enjoins nations to raise public awareness of corruption and the steps that can be taken to combat it, as well as to actively encourage the participation of non-governmental and community-based organisations along with other civil society components. Criminalisation is another principle of the preventive

---

661 Balashov, R., Filipets, O., & Baimoldina, S. (2023). Recovery of stolen assets from abroad. *International Journal of Electronic Security and Digital Forensics, 15*(5), 456-467.

662 Greenberg, T. S., Samuel, L. M., Grant, W., & Gray, L. (2009). Stolen Asset Recovery. *Politically Exposed Persons. A Policy Paper on Strengthening Preventive Measures. Washington, Stolen Asset Recovery (StAR) Initiative, The World Bank, The UN*.

663 Drugs, U. N. O. o. (2004). *United Nations convention against corruption*. UN.

664 Balashov, R., Filipets, O., & Baimoldina, S. (2023). Recovery of stolen assets from abroad. *International Journal of Electronic Security and Digital Forensics, 15*(5), 456-467.

model of UNCAC to combat corruption. According to Chapter 3 of the UNCAC, countries are required to establish criminal and other offences to cover a wide range of acts of corruption if these are not considered crimes under domestic law. In certain situations, countries must formally define crimes; in others, they must consider doing so to account for variations in national legal systems. Over and above previous legislation of this kind, the UNCAC criminalises influence trading, the concealment and laundering of corrupt proceeds, and not only the basic forms of corruption like bribery and the embezzlement of public funds. Offences conducted in support of corruption, such as money laundering and preventing the administration of justice, are also dealt with. Offences under the UNCAC address the troubling aspects of corruption in the private sector.[665] "Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences."

Chapter 4 of the UNCAC encourages countries to establish departments dedicated to combating corruption crimes and other offences that cover a wide range of corrupt practices, particularly if such acts are not already classified as violations under national law. States Parties should collaborate in criminal matters in compliance with the UNCAC's articles 44 through 50. States Parties shall consider cooperating with one another in civil and administrative corruption-related investigations and proceedings, when appropriate and consistent with their respective domestic legal systems. Article 44 of UNCAC states that if the person who is the subject of the extradition request is present on the territory of the requested state party, this article will apply to the offences defined under this convention if the offence is punishable by both the domestic laws of the requesting state party and the requested state party: "Each State Party shall, to the extent permitted by the basic principles of its domestic legal system and in accordance with the conditions prescribed by its domestic law, take such measures as may be necessary."[666]

A key tenet of UNCAC is asset recovery in pursuance of its Chapter 5 provisions, and States Parties are obliged to provide each other with the widest amount of cooperation and support in this regard.[667] A significant breakthrough was reached

---

665 Greenberg, T. S., Samuel, L. M., Grant, W., & Gray, L. (2009). Stolen Asset Recovery. *Politically Exposed Persons. A Policy Paper on Strengthening Preventive Measures. Washington, Stolen Asset Recovery (StAR) Initiative, The World Bank, The UN*.

666 Drugs, U. N. O. o. (2004). *United Nations convention against corruption*. UN.

667 *Ibid*.

when nations concurred on asset recovery, which is explicitly mentioned as a core tenet of the Convention. Prior to this UNCAC, no other international agreement outlined asset recovery as one of its primary principles and provided such detailed regulations. This is a crucial issue for many developing nations, where rampant corruption has looted national wealth and where resources are needed for reconstruction and social rehabilitation. The process of coming to a consensus on Chapter 5 has required lengthy negotiations since the legal and procedural safeguards of the countries requesting assistance had to be balanced with the needs of the countries looking for the illicit assets. Numerous clauses outline the terms and conditions of cooperation and assistance. Specifically, in accordance with Article 57, in the case of embezzlement of public funds, the confiscated property would be returned to the state that made the request; in the case of proceeds from any other offence covered by the UNCAC, the property would be returned upon presentation of proof of ownership or acknowledgement of the harm done to a state making the request; in all other cases, the returning of confiscated property to the state making the request, returning such property to its previous lawful owners, or compensating the victims would take precedence. The creation of the Stolen Asset Recovery Initiative (STAR Initiative)[668] is based on Chapter 5 of the UNCAC: Each state party shall adopt such legislative and other measures, in accordance with the fundamental principles of its domestic law.[669]

To summarise, administrative corruption has been a persistent issue throughout human societies."[670] Countries, such as New Zealand, managed to eradicate it in their societies. Over the last two decades, New Zealand has continuously maintained its top or near-top ranking on the CPI, which understandably informs its commentary on corruption in the country. In the late 19th century, social and political egalitarianism in New Zealand began during the liberal governments of John Ballance and Richard Seddon. The majority of New Zealanders are of European, mostly British, descent; they are called "Pākehā", a Māori term for white people. [671] Many of them hailed from "Presbyterian Scotland" and brought with them a strong Calvinist ethos, characterised

---

668 The StAR Initiative is a collaboration between the World Bank Group and the United Nations Office on Drugs and Crime (UNODC) that backs global initiatives to eradicate corrupt financial havens.

669 Drugs, U. N. O. o. (2004). *United Nations convention against corruption*. UN.

670 Tanzi, V. (1998). Corruption around the world: Causes, consequences, scope, and cures. *Staff papers, 45*(4), 559-594.

671 Walter, R., Jacomb, C., & Bowron-Muth, S. (2010). Colonisation, mobility and exchange in New Zealand prehistory. *Antiquity, 84*(324), 497-513.

by values such as thrift, hard work, and social unity. These values were central to the development of New Zealand's export economy, which was primarily based on industries that catered to the consumers of Great Britain.[672] Moreover, New Zealand, as an island, was largely isolated from corrupt influences internationally. Social responsibility was highly valued in such a small society, with most people being conscious of engaging in any form of behaviour that, if exposed to public scrutiny, would result in a loss of individual or family reputation. Since the raucous, violent beginning in the early 19th century, when sealers and whalers engaged with Māori communities in the north of the country, no organised crime has built up in the country.[673] Even low-level tipping was rarely seen as socially unacceptable in New Zealand, and the police were among the most corruption-free constabularies in the world.

5.4 Singapore's Anti-Corruption Framework

Since Singapore gained internal self-government in 1959, fighting corruption has been a top priority for the government.[674] It is argued that since the British took control of the region, corruption has been widespread; administrative corruption was not a prosecutable offence; the Office of Prevention of Corruption was understaffed; the anti-corruption bureau lacked enough authority; public officers were poorly paid; and the population was less educated.[675] However, they were aware of their rights enough to often influence outcomes through bribery.[676] It was crucial for Singapore's national survival as a small city-state to control corruption. And it was essential to create a conducive climate and a level playing field to promote economic growth. At that time, it was a competitive advantage to lure foreign businesses to invest in Singapore. Combating corruption has become the main strategic goal of the Singaporean government. Fluently conducting government affairs had to be

---

672 Lange, S. (2016). The Scottish character and identity of the Presbyterian tradition in New Zealand: from almost pervasive to barely remembered. *Scottish Church History, 45*(1), 117-131.

673 Orange, C. (2017). *Te Tiriti o Waitangi: The Treaty of Waitangi, 1840*. Bridget Williams Books.

674 Hin, K. T. (2013b). Corruption control in Singapore. *Tokyo: United Nations Asia and Far East Institute for the Prevention of Crimes and the Treatment of Offenders*, 122-131.

675 Quah, J. S. (2024). Singapore's experience in curbing corruption. In *Political Corruption* (pp. 841-853). Routledge.

676 Mohan, S. C. (1987). *The control of corruption in Singapore*. University of London, School of Oriental and African Studies (United Kingdom).

substantiated on a national basis; there were obvious rules to follow. It provides confidence and predictability for citizens to rely on the government to discharge its duties without bias. There had to be no atmosphere to tolerate those who hoped for windfalls from powerful friends or lubricating contacts in high positions.

To succeed, Singapore had to operate on a meritocratic principle, where the public could observe that rewards were tied to the efforts that they carried out and not through corrupt means. There was much reform required; the law was strengthened, rigorous enforcement took place, and the government administration was improved.[677] All these efforts provided the impetus for Singapore's transformation from a corrupt city-state to its present state, where its citizens enjoy a good reputation internationally.

Moreover, the culture and resolve to vigorously prevent corruption were echoed by the government in the early 1960s. While Singapore was a British colony at the time, its parliament declared that it would take all possible steps to see that legislative and administrative approaches are taken to reduce the opportunities for corruption, to make its detection easier, and to deter and punish grievously those who are susceptible to corruption and who engage in it shamelessly. Strong anti-corruption prevention was heard continuously, including in a 1979 statement by Prime Minister Lee Kuan Yew, which illustrated the need for a corruption-free Singapore: "…Singapore can survive only if the ministers and senior officers are incorruptible and efficient… I will not let standards drop... I expect all ministers, all MPs, and all public officers to set good examples for others to follow."[678] This situation has remained unchanged until now.[679] The government's commitment, independent adjudication, robust enforcement, and effective legislation serve as the pillars of Singapore's anti-corruption framework, all aimed at eradicating corruption.

5.4.1 Legislation

One of the pillars that has contributed to gaining a corruption-free reputation in Singapore is effective legislation. Singapore relies on two key pieces of legislation to

---

677 Oswin, N., & Yeoh, B. S. (2010). Introduction: mobile city Singapore. *Mobilities, 5*(2), 167-175.

678 Quah, J. S. (2022b). Lee Kuan Yew's role in minimising corruption in Singapore. *Public Administration and Policy, 25*(2), 163-175.

679 Quah, J. S. (2017b). Singapore's success in combating corruption: lessons for policy makers. *Asian Education and Development Studies, 6*(3), 263-274.

fight corruption: the Corruption, Drug Trafficking, and Other Serious Crimes Act 1992 (known as the Confiscation of Benefits Act) and the Preventing Corruption Act 1960.[680] The Corruption, Drug Trafficking and Other Serious Crimes Act is employed to seize gains that have been unlawfully acquired by corrupt offenders. The Preventing Corruption Act has a wide scope and is applied to people who give and receive bribes in both the private and public sectors. Singapore experiences a corruption-free atmosphere because of its strict and effective laws, zero tolerance against corruption in society's way of life, and intensive law enforcement.[681] Although every country may have adequate laws in place, the effectiveness of these laws can vary significantly, as evidenced by differing CPI scores.

5.4.2 Adjudication

Stabilising and maintaining an independent judicial system is another factor that helped Singapore become a corruption-free nation.[682] An independent judiciary provides insulation from political interference in Singapore. The chief justice is selected by the president on advice from the prime minister, and the council of presidential advisers, district judges, and magistrates are appointed by the president with advice from the chief justice.

Moreover, in Singapore's constitution, various provisions guarantee the independence of the Supreme Court judiciary.[683] Part VII of the Singapore Constitution declares that "judges have tenure security, meaning they cannot be removed for rendering unfavourable verdicts."[684] The judiciary recognises the seriousness of corruption and adopts a stance of deterrence by meting out strict fines and imprisonment towards corrupt offenders to meet its objectives and promote transparency in order to strengthen the rule of law. Control of power is demonstrated by the appointment of the chief of justice in Singapore, where the president and

---

680 Hin, K. T. (2020). Corruption control in Singapore. *Tokyo: United Nations Asia and Far East Institute for the Prevention of Crimes and the Treatment of Offenders*.

681 Quah, J. S. (2017a). Learning from Singapore's effective anti-corruption strategy: Policy recommendations for South Korea. *Asian Education and Development Studies, 6*(1), 17-29.

682 Hor, M. (2018). The Independence of the Criminal Justice System in Singapore. *Singapore Journal of Legal Studies*, 497-513.

683 Neo, J. L. (2018). Autonomy, Deference and Control: Judicial Doctrine of Separation of Powers in Singapore. *J. Int'l & Comp. L., 5*, 461.

684 Thio, L.-a. CONSTITUTION OF THE REPUBLIC OF SINGAPORE. *CONSTITUTIONALISM IN SOUTHEAST ASIA*, 251.

presidential advisers carry out their responsibilities impartially and the president's administration also examines the prime minister's recommendations.[685]

5.4.3 Enforcement

Enforcement is another factor in Singapore that contributes to combating corruption. In Singapore, CPIB is the only responsible agency for fighting corruption.[686] This agency operates under the prime minister's administration and reports directly to the prime minister, which enables CPIB to operate independently. According to findings, for over 65 years, a dissuasive stance has consistently been adopted in the fight against corruption, ensuring that no corrupt practices remain hidden, and that the responsible agency combats corruption without fear or favour.[687] The CPIB operates swiftly and vigorously to enforce tough anti-corruption acts impartially against both public and private sector corruption. The investigation process involves coordinating with various government agencies and private organisations alongside the CPIB to gather evidence and obtain information.

5.4.4 Public Administration

Consolidated public administration is another feature of the corruption-fighting framework in Singapore. The public affairs and private services in Singapore are governed by a code of conduct that establishes the high standards of behaviour expected from public officers. This code is based on the principles of incorruptibility, integrity, and transparency.[688] Exercising meritocracy in the public service, along with regular reviews of administrative regulations and processes to improve efficiency, also reduces the intention and opportunities for corruption.

Moreover, based on the Singaporean code of conduct, public servants should always act with integrity and full responsibility, improve their competence, and act with

---

685 Whalen-Bridge, H. (2019). Court backlogs: balancing efficiency and justice in Singapore. *International Journal of the Legal Profession, 26*(1), 159-177.

686 Lim, V. (2018). An overview of singapore's anti-corruption strategy and the role of the cpib in fighting corruption. *20th UNAFEI UNCAC Training Programme Visiting Experts' Papers*, 92-98.

687 Quah, J. S. (2015). Singapore's Corrupt Practices Investigation Bureau: Four suggestions for enhancing its effectiveness. *Asian Education and Development Studies, 4*(1), 76-100.

688 Resnik, D. B., & Shamoo, A. E. (2011). The Singapore statement on research integrity. *Accountability in research, 18*(2), 71-75.

professionalism. When the People's Action Party (PAP) was elected to government in 1959, it was determined to set out to build an incorruptible and meritocratic government and take crucial and comprehensive action to stamp out corruption at all levels of Singapore's society.[689] As a result of the government's unwavering political commitment and leadership, a culture of zero tolerance against corruption has rooted itself in the Singaporean way of life.

5.4.4.1 Broad Interpretation of Singapore's Anti-Corruption Framework

Singapore's anti-corruption framework is based on a vigorous culture of public accountability established on an elaborate set of checks and balances, the rule of which is a combination of effective laws, a legislative branch that openly debates issues of defence and security, an independent judiciary branch, and vigorous law enforcement. Singapore has earned a reputation for being highly incorruptible.[690] As a result of its strong framework with its four key pillars of laws, adjudication, enforcement, and public administration, as well as its vigorous political will and leadership, Singapore has been successful in combating corruption.[691]

Singapore combats corruption by relying on two important pieces of legislation: the PCA and the CDSA. The PCA has a wide scope and applies to individuals who operate in both the public and private sectors and offer and receive bribes. Based on the PCA, if an individual is found guilty of a PCA 1960 offence, they shall be subject, for each count of corruption, to a fine not to exceed S$100,000, a term of imprisonment not to exceed five years, or both.[692] The CDSA, when applied, confiscated ill-gotten proceeds from corrupt offenders. Together, when combined, the two laws guarantee that corruption will always be a low-reward, high-risk endeavour. All allegations of corruption will be turned over to the Attorney-General's Chambers (AGC), the prosecutorial branch of the Singapore Criminal Justice System, upon the completion of the CPIB's investigations. From there, the cases will be taken to court, and the public

---

689 Benedetto Francesco, B. (2013). The reform of the Public Administration in Singapore: a model to follow in Italy?

690 Shiri, M., & Nguyen, M. (2023). Singapore's Commitment to Combating Corruption. In *The Palgrave Encyclopedia of Social Marketing* (pp. 1-8). Springer.

691 Yu, W. (2015). *Anti-Corruption Strategies in Singapore: Demystifying the Singapore Model*. CRC Press London and New York.

692 Hin, K. T. (2013a). Corruption control in Singapore. *Tokyo: United Nations Asia and Far East Institute for the Prevention of Crimes and the Treatment of Offenders*.

prosecutor's approval will be sought.[693]

Moreover, adjudication is a quick and inexpensive method of resolving disputes in Singapore. An independent adjudicator appointed by the Singapore Mediation Centre (SMC)[694] will determine the amount payable for a claim made under the Security of Payment Act (SOP Act). The Act permits the starting of adjudication by a main contractor, subcontractor, supplier, or consultant. The parties are bound by the adjudication decision until the matter is resolved through legal proceedings, arbitration, or mutual consent. Singapore's independent judiciary provides insulation from political meddling. The President appoints the Chief Justice based on recommendations from the Council of Presidential Advisers and the office of the Prime Minister. The Chief Justice provides advice to the President when appointing district judges and magistrates. The independence of the Supreme Court judiciary is further guaranteed by several provisions in the Singaporean Constitution. The judiciary, which upholds the rule of law transparently and impartially, acknowledges the seriousness of corruption and takes a deterrent approach by imposing harsh fines and jail terms on those who violate it. The Supreme Court and the subordinate courts are granted the authority to hear cases in Singapore by virtue of Article 93 of the Constitution of the Republic of Singapore: "The judicial power of Singapore shall be vested in a Supreme Court and in such subordinate courts as may be provided by any written law for the time being in force ."[695]

Furthermore, the law enforcement agencies in Singapore are the Singapore Police Force (SPF), which is a uniformed organisation under the jurisdiction of the Ministry of Home Affairs, the Internal Security Department (ISD), the Immigration and Checkpoints Authority (ICA), the Singapore Prison Service (SPS), the Home Team Academy (HTA), and the Central Narcotics Bureau (CNB).[696] However, CPIB is the only organisation in charge of fighting corruption in Singapore. In October 1951, a group of thieves in Singapore stole 1,800 pounds of opium; the haul was estimated to be worth $400,000. Three police detectives were among the pilferers. The Criminal

---

693 Quah, J. S. (2017b). Singapore's success in combating corruption: lessons for policy makers. *Asian Education and Development Studies, 6*(3), 263-274.

694 The Singapore Mediation Centre (SMC) is a non-profit organisation established as a company limited by guarantee under the auspices of the Singapore Academy of Law. Founded in 1997, it offers a range of dispute resolution services, including mediation, adjudication, and neutral evaluation.

695 Tan, K. Y. (2015). *The Constitution of Singapore 1965*. Bloomsbury Publishing.

696 Cheong, B. C. (2022). Judiciary and Law Enforcement in Singapore Inc. *Singapore Policy Journal*.

Investigation Department's Anti-Corruption Branch conducted investigations that showed certain high-ranking police officers had ties to both the opium importers and the hijackers. After the investigation was completed, one officer was forced into retirement, and one assistant superintendent of police was dismissed. The colonial government then assembled a special team to investigate the issue after becoming dissatisfied with the investigation. Following the conclusion of the special team's investigation in September 1952, the government decided to keep the team on board to investigate corruption offences in Singapore in place of the Anti-Corruption Branch, an independent body. The CPIB was born as a result.[697] This new agency aimed to tackle the growing concerns of corruption within the public sector and restore faith in governance. By adopting a more proactive approach, the CPIB sought to ensure transparency and accountability among public officials, setting a precedent for future anti-corruption efforts in the region.

In addition, the CPIB operates under the Prime Minister's Office (PMO) and has direct accountability to the Prime Minister, allowing the CPIB to function independently. Over the course of more than 60 years of combating corruption, a deterrent approach has always been taken, guaranteeing that there are no cover-ups and that the fight against corruption is conducted without fear or favour. Possessing a formidable and reliable image, the CPIB moves quickly and decisively to unbiasedly enforce strict anti-corruption laws against corruption in both the public and private sectors. The CPIB will collaborate with several public and private entities to acquire information and gather evidence throughout the investigation.

Additionally, the political will to eliminate corruption was created by Singapore's founding Prime Minister, Lee Kuan Yew, when the People's Action Party (PAP) won the 1959 election and took power. The PAP was determined to establish a meritocratic and unsullied government and adopted comprehensive and resolute measures to combat corruption at all levels of Singapore's society. Due to the government's resolute political commitment and leadership, the Singaporean people have a deeply rooted culture of zero tolerance towards corruption.[698]

Public administration is also an element of the framework against corruption in

---

697 Stapenhurst, R., & Kpundeh, S. J. (1999). *Curbing corruption: Toward a model for building national integrity*. World Bank Publications.

698 Quah, J. S. (2022b). Lee Kuan Yew's role in minimising corruption in Singapore. *Public Administration and Policy, 25*(2), 163-175.

Singapore. The Singapore Public Service is regulated by a Code of Conduct, which lays out the strict behaviour requirements for public servants based on the values of honesty, integrity, and openness. Meritocracy in the public sector, along with routine evaluations of processes and regulations to boost productivity, lessens the likelihood of corruption. Moreover, the CPIB is required to carry out procedural reviews for government organisations whose work processes could be used as a cover for unethical behaviours.[699] Figure 5.1 illustrates Singapore' corruption control framework.

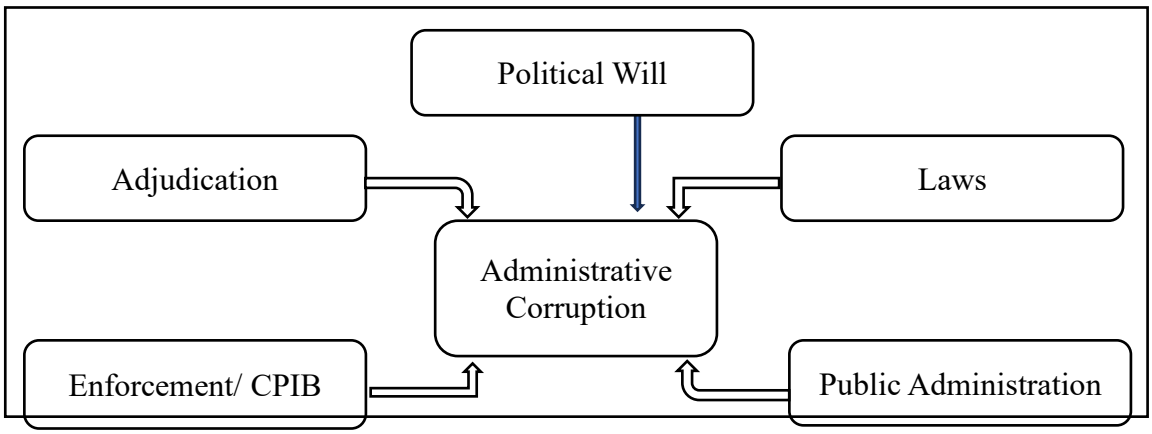


Figure 5.1 Singapore's Combating Corruption Framework

5.5 Comparative Analysis of Anti-Corruption Frameworks in New Zealand and Singapore

Historically, both New Zealand and Singapore were former British colonies; elements of the British legal system have not been unaffected in the formation of their systems. New Zealand was admitted as a British colony in 1840, legitimised by the Treaty of Waitangi[700] and the declaration of sovereignty made by Lieutenant-Governor William Hobson on May 21, 1840.[701] Hobson, who was a naval officer, served from 1840 until he died in 1842, and Robert FitzRoy, another naval officer, served as the Governor of New Zealand from 1843 to 1845.[702] Their administrations lacked

699 Haque, M. S. (2009). Public administration and public governance in Singapore. *Public administration and public governance in ASEAN and Korea*, 246-271.

700 There was a misunderstanding of the Treaty of Waitangi between the English version and the Māori version of the Treaty of Waitangi; based on the Māori version, which gave only the government to the British, the English version gave land ownership to the British, which caused disputes.

701 Buick, T. L. (2011). *The Treaty of Waitangi: How New Zealand Became a British Colony*. Cambridge University Press.

702 Means, W. I. (2021). FitzRoy, Robert. *Galápagos: An Encyclopedia of Geography, History, and Culture*, 187.

horrendous resources. Their task was to maintain peace between the Māori, who dominated both in numbers and military might, and the British settlers while supplying even the most basic infrastructure. When word leaked out of New Zealand of Fitzroy's recall (sacking) by London, Nelson settlers set him ablaze in effigy.[703] On September 26, 1907, New Zealand formally called itself a "Dominion,"[704] a recently coined phrase to describe the self-governing settler colonies. It was also the final dominion to ratify the Statute of Westminster in 1947, which allowed it to become independent from the British Parliament. It continues to be a Commonwealth member.[705] Comparably, from 1946 to 1958, the Colony of Singapore, a Crown colony of Britain, included what is now Singapore. Comparably, from 1946 to 1958, the Colony of Singapore, a Crown colony of the United Kingdom, included what is now Singapore. Administered from Singapore during this time were also Christmas Island, Labuan, and the Cocos (Keeling, currently Australian external territory) Islands.[706] After the war,[707] the British continued to rule Singapore, but they progressively gave the island more autonomy. Singapore became a distinct Crown Colony on April 1, 1946, with a governor leading the civil administration.[708] As a result, Singapore had its first general election in 1959, and Lee Kuan Yew won the position of prime minister.[709] In 1963, Singapore proclaimed its independence from Britain and joined Malaysia signifying the conclusion of 144 years of British rule. However, the move was short-lived, as Singapore gained independence and sovereignty in 1965. On August 9, 1966, the country celebrated its first national day, which included a parade through the Padang.[710] The British progressively expanded Singapore's degree of self-government, even though the island nation was still under their rule after the war. Singapore was declared a Crown Colony on April 1, 1946, and during this period, it was governed by a civil governor.[711]

The next similarity between New Zealand and Singapore is in terms of

---

703 McLean, J. (2015). Crown, empire and redressing the historical wrongs of colonisation in New Zealand. *New Zealand Law Review, 2015*(2), 187-212.

704 The power or right to rule and exert control, sovereign authority.

705 Johnston, A., & Lawson, A. (2000). Settler colonies. *A companion to postcolonial studies, 360*.

706 Jarman, R. L. (2014). *Annual Reports of the Straits Settlements, 1855-1941*. Archive Editions.

707 From February 8 to February 15, 1942, Japanese and Allied forces, primarily from the British Commonwealth, engaged in combat in the Battle of Singapore.

708 Both countries, Singapore and New Zealand, are governed by governors.

709 Chung, O. C. (1975). The 1959 Singapore general election. *Journal of Southeast Asian Studies, 6*(1), 61-86.

710 Koh, T. T. B., Auger, T., Yap, J., & Ng, W. C. (2006). Singapore: the encyclopedia. *(No Title)*.

711 Turnbull, C. M. (2009). *A history of modern Singapore, 1819-2005*. Nus Press.

population. With slightly more than five million residents, Singapore and New Zealand share a similar population. Their economies are both prosperous.[712] However, there are grounds to think the statistics overstate the differences; Singapore is wealthier than New Zealand. Their location (New Zealand has an isolated location in the South Pacific Ocean, while Singapore is the international centre of shipping and finance), and resource base have resulted in somewhat disparate economic structures.[713]

Moreover, bribery and corruption are criminalised in both the public and private sectors in New Zealand. Both the public and private sectors are prohibited from engaging in bribery or corruption in this country. It challenges the notion that corruption only affects the public sector. All charges of bribery and corruption are applicable both abroad and domestically. New Zealand has ratified several essential international anti-administrative corruption conventions, such as the UNCAC, which was signed in 2003 and ratified by New Zealand in November 2015. UNCAC is the first global tool to combat corruption in both the public and private domains, and it has a broader scope than the OECD Anti-Bribery Convention.[714] Likewise, New Zealand is a signee to the APEC and an active member of "the Anti-Corruption and Transparency Experts Working Group (ACTWG), Asia Pacific Economies Cooperation", which was established by the APEC senior officials as the "Anti-Corruption Force" in Santiago, the capital city of Chile, in 2004.[715] The leaders of APEC realised that corruption posed a serious threat to the organisation's agenda, which included sustainable economic growth, enhanced trade and investment in the Asia-Pacific region, market integrity, and good governance. This realisation led to the creation of the ACTWG. Leaders acknowledged that by cooperating to combat corruption and advance transparency, APEC could have an impact. In March 2011, the task force was reorganised into a working group to institutionalise and organise its activities. The members of ACTWG that joined in 2004 are Australia, Mexico, Vietnam, Canada, the Republic of Korea, Papua New Guinea, Chile, Peru, the People's Republic of China (PRC), the Philippines, Hong Kong, the Russian Federation, Indonesia, Singapore, Japan, Chinese Taipei,

---

712 Schleich, A.-M. (2024). *Perspectives Of Two Island Nations: Singapore-new Zealand*. World Scientific.

713 Win, H. (2019). A Comparative Analysis of Political systems between New Zealand and Singapore. *decision-making, 8*, 2.

714 Masters, A., & Hall, K. (2019). Corruption in Australia and New Zealand. In *Corruption in a Global Context* (pp. 155-176). Routledge.

715 Pasculli, L., & Ryder, N. (2019). *Corruption in the Global Era*.

Brunei Darussalam, Thailand, Malaysia, the United States of America, and New Zealand.[716]

The international community is coming to the consensus more and more that corruption and bribery are transnational phenomena with harmful effects that need to be addressed collectively. This is reflected in UN and Organisation for European Economic Co-operation (OEEC) conventions, which require members to enact extraterritorial anti-corruption laws meeting minimum standards. New Zealand is included in this worldwide agreement. Nonetheless, an OECD report from October 2013 stated that there were serious concerns about the lack of enforcement of the foreign bribery offence and suggested that New Zealand significantly increase its efforts to investigate and prosecute foreign bribery, including by providing law enforcement authorities with practical training on the foreign bribery offence. Enhanced vigilance and enforcement of New Zealand companies operating overseas are likely to follow increased scrutiny of New Zealand. The government has indicated that it will introduce legislation to align current laws with the 2003 UN Convention Against Corruption, which New Zealand will subsequently ratify.[717]

Furthermore, New Zealand businesses increasingly operate in international markets, including places where corruption and bribery are pervasive. As a result, anti-corruption legislation in New Zealand combines both domestic and international laws. In New Zealand, corruption in the public sector is investigated under the Crimes Act 1961, and corruption in the private sector is investigated under the Secret Commissions Act 1910. New Zealand's Crimes Act 1961 applies extraterritorially to foreign operations.[718] The foreign anti-corruption laws in New Zealand that apply to business are the FCPA, which was enacted by the 95th United States Congress in 1977, and the UK Bribery Act 2010. Businesses based in New Zealand that have agents or representatives operating abroad must be conscious of the dangers of bribery and corruption. Businesses in New Zealand, particularly those with international operations, are able and ought to manage the risks of bribery and corruption by implementing straightforward policies and procedures. This guidance note aims to summarise relevant anti-corruption laws, explain potential risks, and offer general

---

716 Palmer, G. W. (2019). The reform of the Crimes Act 1961. *Victoria U. Wellington L. Rev., 20*, 9.

717 Brookes, M. (2014). BRIBERY AND CORRUPTION RISKS AND STRATEGIES FOR NEW ZEALAND BUSINESSES OPERATING OVERSEAS.

718 Newbold, G. (2016). *Crime, law and justice in New Zealand*. Routledge.

advice on risk mitigation.[719]

Analogously, Singapore is a signatory to the UNCAC, signed on November 11, 2005, and ratified in its legislation on November 6, 2009, and the United Nations Convention against Transnational Organised Crime (UNTOC), signed on December 13, 2000, and ratified in its legislation on August 28, 2007.[720]

In addition, Singapore is among the founding members of the Asia-Pacific Group on Money Laundering (APG) and has been a member of the Financial Action Task Force (FATF) since 1992. In Singapore, CPIB is responsible for the investigation and prevention of corruption. It also represents Singapore in a number of anti-corruption forums, such as ACTWG,[721] the Asian Development Bank (ADB), the Organisation for Economic Co-operation and Development (OECD) Anti-Corruption Initiative for Asia and the Pacific, the Economic Crime Agencies Network (ECAN) (ECAN), the G20 Anti-Corruption Working Group (ACWG),[722] South-East Asia, Parties Against Corruption (SEA-PAC), and the International Association of Anti-Corruption Authorities (IAACA). However, Singapore relies on two key domestic pieces of legislation to combat corruption: the PCA and the CDSA. The PCA is broad and covers both public and private sector individuals who offer or accept bribes in active or passive ways, and the CDSA is the act of confiscating benefits obtained through corruption. The PCA is the main law in Singapore that combats bribery and corruption. Sections 5 and 6 of the PCA, which cover both the public and private sectors and forbid both active and passive bribery, list the primary offences.[723]

According to Sections 5 and 6 of the PCA, the stipulated penalties for corruption are arranged as follows: Section 5 illustrates fine not exceeding S$100,000 or confinement for a term not exceeding five years, or both.[724] The Singapore Penal Code 1871 contains additional anti-corruption and bribery provisions. For instance, section 161 of the Singapore Penal Code dictates that anyone who is or plans to be a public servant and accepts or obtains, or agrees to accept or attempts to obtain, from any

---

719 Act, C. (1993). No 105 (as at 1 st November, 2010). *Public Act, New Zealand*.

720 Pepinsky, T. (2024). CORRUPTION.

721 Canton, H. (2021a). Asia-Pacific Economic Cooperation—APEC. In *The Europa Directory of International Organizations 2021* (pp. 436-443). Routledge.

722 Dobson, H. (2024). The G20 and its position within global governance. In *Unpacking the G20* (pp. 10-34). Edward Elgar Publishing.

723 Shiri, M., & Nguyen, M. (2023). Singapore's Commitment to Combating Corruption. In *The Palgrave Encyclopedia of Social Marketing* (pp. 1-8). Springer.

724 Leak, T. A. (1999). The experience of Singapore in combating corruption. *Curbing Corruption, 24*, 59-66.

person, for themselves or for any other person, any gratification other than legal remuneration, as a motive or reward for performing or refraining from any official act, for showing or refraining from showing favour or disfavour in the exercise of official functions, or for rendering or attempting to render any service or disservice to any person, in relation to the Government, a Member of Parliament, the Cabinet, or another public servant, faces up to three years in prison, a fine, or both.[725]

In accordance with these provisions, an individual who does not intend to hold public office but gains satisfaction by tricking others into thinking they are going to hold office and will subsequently serve them may be found guilty of cheating but not of the offence specified in this section. Also, this section denotes the word gratification. The meaning of the word "gratification" is not limited to financial or monetary satisfactions, and the term "legal remuneration" refers to any compensation that a public servant is legally allowed to accept, not just the compensation that he may lawfully demand.

Additionally, the quick adjudication processes represent the next similarity between the anti-corruption frameworks in Singapore and New Zealand. Adjudication is cost-effective and quick in New Zealand. Most disputes are settled after the process is started in less than six weeks,[726] which is quicker than in other nations, even the most developed countries. In New Zealand, adjudication is a private and discreet method of resolving disputes that can be applied to settle conflicts arising from contracts related to construction and building, including the work of builders, specialist trades, and quality surveyors.[727] In private and public adjudication, approaches to transparency are very different. Confidentiality is the standard in private adjudication, while maximum transparency is the norm in public adjudication.[728]Although public adjudication is a significant cost for taxpayers, it supports public policy objectives, ensures a body of case law that is consistent, and lets third parties know ahead of time what the rules of conduct are to stop undesirable behaviour. Administrations have different procedural rules regarding the appointment of adjudicators, their professional backgrounds, and

---

725 Han, T. C. (1990). The General Exception of Necessity under the Singapore Penal Code. *Malaya L. Rev., 32*, 271.

726 Rasmussen, E., & Greenwood, G. (2014). Conflict resolution in New Zealand. *The Oxford handbook of conflict management in organizations*, 449-474.

727 *Ibid*.

728 Kryvoi, Y. (2021). Private or public adjudication? Procedure, substance and legitimacy. *Leiden Journal of International Law, 34*(3), 681-703.

their terms of service, regardless of whether the process is referred to as arbitration or adjudication.[729] Likewise, Singapore also uses adjudication as a quick and cost-effective mechanism for resolving disputes. The SMC will designate an impartial arbiter to determine the amount payable for a claim submitted in accordance with the SOP Act. Under the Act, adjudication may be started by a consultant, supplier, main contractor, or subcontractor. Until the dispute is ultimately resolved through legal proceedings, arbitration, or a mutual agreement between the parties, the adjudication determination shall be binding on the parties.[730]

Practising egalitarianism is another common element of the anti-corruption framework in New Zealand and Singapore. New Zealand's growing concern over the emergence of a visible "underclass" stems from a larger worry about the nation's sharp relative decline in the postwar era. New Zealand was reported to have "full employment", the third-highest standard of living globally, and a remarkable record of free university education for the post-1945 generation.[731] A common self-perception and a fundamental doctrine of New Zealand's national identity held that the nation was egalitarian and enjoyed universal prosperity. On the other hand, the emergence of an underclass appears to suggest that this former British colony on the verge of empires was unable to defend itself against the global wave of neoliberalism.[732] The idea that an underclass has suddenly emerged, however, ignores historical opposition to the ideas of social equality and inclusivity. For instance, in 1950, most married women in New Zealand had no formal education, training, or employment, and the Māori, the country's indigenous people, did not start systematically entering the workforce until after they became more urbanised. Nonetheless, as the colony of settlers developed into a young nation in the late 19th and early 20th centuries, New Zealand became known for being a "social laboratory", where progressive, experimental policies were put into place for

---

729 In adjudication, a judge or panel of judges makes a formal legal decision based on the evidence that is presented. This process is usually used in court. On the other hand, arbitration is a type of alternative dispute resolution in which a decision is rendered binding by an impartial third party, the arbitrator.

730 Teo, P. J. (2008). Adjudication: Singapore perspective. *Journal of Professional Issues in Engineering Education and Practice, 134*(2), 224-230.

731 Nolan, M. (2007). The reality and myth of New Zealand egalitarianism: Explaining the pattern of a labour historiography at the edge of empires.

732 Neoliberalism is the process of turning to a making economy through privatisation and austerity in government-owned industries, which also occurred in Russia after the disintegration of the Soviet Union in 1991.

the Western world to observe and imitate.[733] The reputation of New Zealand's egalitarianism was global, influencing "the Left" and liberals in the US, the UK, and other countries.[734] Distinct phases and periods: in the initial period, spanning from 1890 to 1912, the most distant of Britain's colonies was purportedly spearheading global efforts to establish a contemporary, inclusive liberal democracy. It was the Liberal government that led this first experiment in creating new politics. In the more decisive second phase, which lasted from 1939 to 1945, the first "Labour government"[735] built a political consensus around the "cradle-to-grave" welfare state that was necessary to guarantee egalitarianism survival.[736] The characteristics of these two progressive movements quickly made a British audience draw parallels between them and the efforts made by the British Liberal and Labour parties around the same period. Nonetheless, New Zealand took the lead in both phases: the first involved building a rudimentary social state, and the second involved pushing forward with the creation of a set of reforms that Britain itself implemented under Clement Attlee's first majority Labour government from 1945 to 1950.[737] Another important discussion regarding egalitarianism in New Zealand concerns the rights of the Māori as the country's indigenous people. The Māori people are renowned for being the best storytellers because, until colonisation in the 1800s, they lacked a written language. They spoke it; it developed over centuries, and songs and stories were passed down orally. This is the reason why Māori people tend to have many talented storytellers.[738] The Māori ethnic population was estimated at 904,100, which makes up 17.3 percent of the national population. 450,200 males were identified as Māori, and 453,900 females were identified as Māori. Approximately 1.5 million hectares, or 6% of the entire land area, are Māori territories today. Approximately 25% of the land in Wairakei (Bay of Plenty

---

733 Nolan, M. (2007). The reality and myth of New Zealand egalitarianism: Explaining the pattern of a labour historiography at the edge of empires.

734 Coleman, P. J. (1987). *Progressivism and the world of reform: New Zealand and the origins of the American welfare state*. University Press of Kansas.

735 Under prime ministers Michael Joseph and Peter Fraser, the party first came to power in 1935 and went on to establish New Zealand's welfare state, which lasted until 1949.

736 Rosenberg, B. (2017). A brief history of labour's share of income in New Zealand 1939–2016'. *Transforming Workplace Relations, Wellington: Victoria University Press, https://www. researchgate. net/publication/317868928_A_brief_history_of_ labour% 27s_share_of_income_in_New_Zealand_1939-2016*.

737 Pelling, H. (1984). *The Labour Governments, 1945–51*. Springer.

738 Huia, A. T. (2014). Indigenous culture and society: Creating space for Indigenous Māori cultural and linguistic development within a discriminatory post-colonial society. *Psychology and Developing Societies, 26*(2), 233-261.

region), Tairawhiti (East Coast), and Aotea (Manawatu/Wanganui/Taranaki) is classified as Māori land.[739] However, Māori people have encountered challenges since the time of colonisation. Some of the challenges are cultural erosion due to the influence of Western culture and globalisation. Losing language and cultural practices, the Māori language is endangered.[740] Consequently, it is believed that the Māori people's cultural and spiritual well-being has suffered because of the land loss. It has disrupted the transfer of cultural knowledge by severing and destabilising whānau, hapū, and iwi as well as the place-based identities that are essential to this rōpū (groups).[741] Notably, from 1920 until the early 1960s, Māori people were prohibited from using public restrooms, separated in theatres and swimming pools, denied access to alcohol, haircuts, and taxi rides, made to stand in line for white bus passengers, and excluded from educational institutions.[742] Notwithstanding improvements, Māori people still face disproportionately high rates of illness, poverty, incarceration, sexual assault, domestic abuse, and suicide. Even though Māori experience institutional and structural discrimination in New Zealand, most people would rather celebrate Māori culture than make the difficult decisions necessary to address injustices that still exist today.[743] Despite the obstacles they have encountered, Māori participate actively in every aspect of New Zealand culture and society, holding autonomous representation in fields like politics, sports, and the media.

Meanwhile, the Treaty of Waitangi's Article 2 safeguards Māori rangatiratanga, which encompasses tikanga-based chiefly authority and self-determination, as well as the preservation of lands, forests, fisheries, and other valuable resources.[744] The Treaty of Waitangi has given the Māori a stronger social standing than that of other indigenous peoples worldwide. Māori have traditionally looked to constitutional provisions for a

---

739 Kingi, T. (2008). Maori landownership and land management in New Zealand. *Making land work, 2*, 129-151.

740 Albury, N. J. (2015). Collective (white) memories of Māori language loss (or not). *Language Awareness, 24*(4), 303-315.

741 Thom, R. R. M., & Grimes, A. (2022). Land loss and the intergenerational transmission of wellbeing: The experience of iwi in Aotearoa New Zealand. *Social science & medicine, 296*, 114804.

742 Martin, J. (2024). *Grounding the state of exception in New Zealand: A case study of racial segregation in Pukekohe, Whiteness and the Carceral State* The University of Waikato].

743 Marriott, L., & Sim, D. (2015). Indicators of inequality for Maori and Pacific people. *Journal of New Zealand Studies*(20), 24-50.

744 Johnston, K. (2004). The Treaty of Waitangi. *NZL Rev.*, 613.

more secure safeguarding of their treaty rights.[745] Likewise, Māori, as citizens of New Zealand, possess ownership rights to "General Land", which is land that is available for purchase on the open land market, and they are also entitled to retain interests in their ancestral lands. Two separate land tenure systems are thus created.[746]In Singapore, nevertheless, egalitarianism is a blending of ethnicity, gender, and practising meritocracy. However, there are slight differences between meritocracy and egalitarianism; meritocracy is predicated on the evaluation of each person's work in relation to competitors, and equity means granting everyone the same result and preventing individual competition. Nobody does anything for themselves; nobody deserves anything, and nobody earns anything.[747] Paragraph 2 of Article 152 of the Singapore Constitution determines Malays' unique position as the indigenous people of Singapore. Protecting, safeguarding, supporting, fostering, and promoting their political, educational, religious, economic, social, and cultural interests, and the Malay language is another duty attributed to the government. According to this paragraph of the constitutional article, the government of Singapore is constitutionally mandated to recognise the unique status of Malays as the nation's indigenous population. It is essential that the government actively protects, safeguards, supports, fosters, and promotes the political, educational, religious, economic, social, and cultural interests of the Malay community, including the Malay language.[748]

While safeguarding the interests of Malays is the government's constitutional duty, other races and minorities are also protected by the government, as demonstrated by its support for a multicultural state. The government's obligation to protect the rights of Singapore's racial and religious minorities is also determined in the first paragraph of Article 151 of the Singapore Constitution: "It shall be the responsibility of the government to constantly care for the interests of the racial and religious minorities in Singapore." According to Article 12 of this Constitution, all people are equal before the law and subject to equal protection of the law.[749] Nothing in these two articles (151(2)

---

745 Marriott, L., & Sim, D. (2015). Indicators of inequality for Maori and Pacific people. *Journal of New Zealand Studies*(20), 24-50.

746 Kingi, T. (2008). Maori landownership and land management in New Zealand. *Making land work, 2*, 129-151.

747 Cappelen, A. W., Mollerstrom, J., Reme, B.-A., & Tungodden, B. (2022). A meritocratic origin of egalitarian behaviour. *The Economic Journal, 132*(646), 2101-2117.

748 Lim, C. (2004). The Singapore Constitution and Its Critics. *Denning LJ, 17*, 63.

749 Thio, L.-a. CONSTITUTION OF THE REPUBLIC OF SINGAPORE. *CONSTITUTIONALISM IN SOUTHEAST ASIA*, 251.

and 12) contradicts anything else because no ethnic group faces discrimination. Based on 2021 CNA-IPS surveys on race relations within Singapore, approximately 50% of participants think that racial discrimination has been eradicated in Singapore or that this can happen in the next ten years.[750]

Besides, in Singapore, women and men now have equal access to all levels of education. Nonetheless, there is still a pay difference between men and women, with women making up 42% of the workforce. Most of Singapore's glass ceilings that prevented women from rising higher have been broken.[751] There was a woman president of Singapore. It boasts several exceptionally skilled women ministers, Supreme Court judges, CEOs of statutory boards, permanent secretaries, and prominent corporations.[752]

Meritocracy is an unstable concept because some of its tenets may conflict with one another.[753] Meritocracy's egalitarian elements, for instance, may clash with its emphasis on talent distribution, competition, and compensation. In practice, meritocracy frequently takes the form of an elitist and unequal ideology. Meritocracy has been Singapore's primary ideological tool for defending the country's authoritarian government and pro-capitalist inclinations. The governing People's Action Party has been able to co-opt talent to form a "technocratic" government for an "administrative state" through competitive scholarships, strict selection criteria for party candidatures, and high ministerial salaries. However, as Singapore gets more integrated into the globalisation process, it will encounter new kinds of national crises, different worldviews made possible by global communications technology, and a growing income disparity, all of which will cause its meritocratic ideology to come apart. This has led to an increasing income gap, highlighting the need for state intervention to tackle issues of inequality and promote social fairness.[754] From being colonial Britain in the late 1950s to becoming one of the richest nations in the world half a century later, Singapore has witnessed a massive economic transformation that is multi-ethnic. A

---

750 Mathews, M., Key, T. K., & Nah, S. (2022). Attitudes, Actions and Aspirations: Key Findings from the CNA-IPS Survey on Race Relations 2021.

751 Wee, E. X. N. (2024). We, the citizens of Singapore: a study of the gender pay gap through the lens of gendered citizenship.

752 Lim, C. (2021). *Gender equality: the time has come*. World Scientific.

753 Tan, K. P. (2008). Meritocracy and elitism in a global city: Ideological shifts in Singapore. *International Political Science Review, 29*(1), 7-27.

754 Mathews, M., & Lim, L. (2019). Social equity in Singapore. *Social equity in the asia-pacific region: Conceptualizations and realities*, 215-233.

significant portion of the population has also benefited from this transition, going from poverty to the middle class, but not all social and ethnic groups have advanced at the same rate. Current policies have attempted to maintain robust economic growth while simultaneously guaranteeing a minimum standard of living and reforming the educational system to ensure greater opportunities for all. In a succinct phrase, the government's steadfast leadership and political dedication to public administration have resulted in a zero-tolerance culture against corruption that has permeated Singaporean society and culture.

Adopting a culture of zero tolerance toward corruption and saying "no to bribery and corruption" is another shared goal of New Zealand and Singapore to reduce administrative corruption in their countries. New Zealand is committed to helping the global fight against corruption and bribery practices that harm social, economic, and political systems. New Zealand challenges the idea that corruption only impacts the public sector by criminalising bribery and corruption in both the public and private sectors. Additionally, all offences related to bribery and corruption are punishable both internationally and domestically. The New Zealand Ministry of Justice has issued guides for businesses of all sizes with helpful information on various topics related to anti-corruption compliance. This guide provides information on relevant local and international corruption laws, including international anti-corruption agreements. It also outlines principles for establishing, implementing, and maintaining effective anti-corruption compliance procedures. These resources are part of a comprehensive suite published by the Ministry of Justice.[755]Active and passive bribery in the public and private sectors is forbidden by the Crimes Act and the Secret Commissions Act, and New Zealand has the SFO. Active and passive bribery in the public and private sectors is forbidden by the Crimes Act and the Secret Commissions Act, and New Zealand has the SFO. Investigating and prosecuting major financial crimes, such as bribery and corruption, is the primary responsibility of the SFO as the law enforcement agency. Several significant international anti-corruption conventions, including the UNCAC and the OECD, have been ratified by New Zealand to strengthen and maintain the culture of zero tolerance against corruption. Moreover, the government has taken several actions to fight corruption and enhance the way it operates, and it is fully

---

[755] Wisstt, N. (2022). Anti-Corruption Initiatives in the Pacific Islands: The Effectiveness of International, Regional, and Domestic Frameworks for Anti-corruption in the Pacific. In *New Zealand yearbook of international law* (pp. 34-63). Brill Nijhoff.

committed to enforcing its policy of "zero tolerance against corruption". Zero tolerance for corruption culture in New Zealand means that, in order to improve developmental outcomes, development partners should address every instance of corruption by looking into the reasons behind it in that activity or sector and determining whether there are workable and efficient solutions that can eliminate or drastically reduce it, but bribery and corrupt activities should not be tolerated. A zero-tolerance policy towards corruption, as demonstrated in Singapore, is one of the key factors ensuring the effectiveness of the fight against corruption: the political will of the country's or region's leadership to change the culture of corruption in that area. However, in New Zealand's case, leadership plays a less important role because of the population's emphasis on equality and egalitarianism and its reliance on the SFO to combat corruption.[756] Similarly, Singapore is renowned for having zero tolerance for corruption. Singapore is the seventh least corrupt nation in the world, according to the Transparency International Corruption Perceptions Index. In the Political and Economic Risk Consultancy's (PERC) yearly corruption survey, Singapore has continued to hold the top spot.[757]

However, Singapore faced widespread corruption, especially during colonial times and during the Japanese occupation, which recorded corruption cases such as a high number of police corruption cases due to low salaries, the Opium Hijacking Scandal, in which three police detectives were among the robbers who robbed a shipment of 1,800 pounds of opium worth S$400,000 (US$133,333) on October 27, 1951, and the Chew Swee Kee scandal.[758] Chew was the former Minister of Education in Singapore. He was accused of corrupt cases; some of them are as follows: accusations against Chew in the Legislative Assembly on March 5, claiming that he had given his party S$300,000 in 1957 to finance the City Council elections and S$500,000 more in 1958 for similar political purposes, and S$30,000 for a house at No. 12 Worthing Road in Singapore's Serangoon Gardens Estate, which resulted in the defeat of the Singapore People's Alliance (SPA), police corruption due to low salaries, and the Opium Hijacking scandal, involving several robbers and three detectives from the

---

[756] Quah, J. S. (2022a). Leadership and culture in combating corruption: a comparative analysis. *Public Administration and Policy*(ahead-of-print).

[757] Quah, J. S. (2020a). Combating corruption in Singapore: a comparative analysis of two scandals. *Public Administration and Policy, 23*(1), 87-99.

[758] Long, J. (2002). The Chew Swee Kee affair revisited: querying the American involvement in Singapore. *South East Asia Research, 10*(2), 217-239.

police who robbed a shipment of 1,800 pounds of opium worth S$400,000 (US$133,333) on October 27, 1951. The reason Singapore has been successful in battling corruption is due to Lee Kuan Yew's determination to enact a zero-tolerance policy against corruption.[759] Lee's anti-corruption measures and zero-tolerance stance after taking office in June 1959: Lee gave the following explanation in his memoirs for why he and his colleagues were committed to keeping Singapore free of corruption: Lee maintained that many Asian leaders' greed, corruption, and decadence sickened his people. Establishing an efficient and pristine government was deeply ingrained in our mission. Lee's zero-tolerance policy against corruption was shaped by his disdain for corruption, his convictions in meritocracy, and the value of strong leadership. This policy has been impartially and continuously enforced in Singapore for the past decades. Moreover, the zero-tolerance policy improved Singapore's reputation to be ranked consistently as the least corrupt Asian country on the CPI since 1995.[760] The table below illustrates New Zealand's and Singapore's positions among the five least corrupt nations, according to the 2024 CPI report.

Table 5.1
Singapore and New Zealand Rank Among the Top 10 Countries in the 2024 CPI for Reducing Administrative Corruption

Rank	Country/territory	Score
1	Denmark	90
2	Finland	88
3	Singapore	84
4	New Zealand	83
5	Luxembourg	81
6	Norway	81
7	Switzerland	81
8	Sweden	80
9	Netherlands	78
10	Australia	77

Recourse: Transparency International[761]

The above table illustrates that with CPI scores of 84 and 83, respectively, Singapore and New Zealand were among the top 10 nations in the world in 2024 for

[759] Quah, J. S. (2022b). Lee Kuan Yew's role in minimising corruption in Singapore. *Public Administration and Policy, 25*(2), 163-175.

[760] Hwee, N. L. (2020, November 16). Singapore's experience in the fight against Corruption *https://www.unafei.or.jp/publications*/pdf/GG11/23_GG11_CP_Singapore2.pdf

[761] Nandi, P. (2025). An Analysis in the 2024 Corruption Perception Index

fighting administrative corruption. These results are indicative of highly transparent institutions, efficient governance, and robust anti-corruption frameworks. Afghanistan, on the other hand, only received a score of 17 (illustrated in Table 1.1), indicating widespread corruption, inadequate administrative frameworks, and serious governance issues. The illustrations' comparison highlights the crucial role of institutional integrity in fostering development and public trust by demonstrating the clear distinction between Afghanistan's weakening system and those of Singapore and New Zealand's efficient administrations. Hence, the following portion of this chapter categorises the efficacy of anti-corruption frameworks of New Zealand and Singapore thematically to provide anti-corruption lessons for Afghanistan.

5.6 Thematic Findings

The comparative aspects of the national cases of New Zealand and Singapore will present some key issues that are relevant for Afghanistan in its dealings with administrative corruption. These insights highlight the importance of legal, institutional, cultural, and socio-political analyses to understanding corruption control and quality of governance. These thematic findings are the focus of the following discussion:

5.6.1 Clear Statutory Framework

Both New Zealand and Singapore illustrate that statutory prescription effectively "draws a line in the sand" around what public officials can and cannot do, minimising the potential for arbitrary abuse. Clear provisions of the statutes reduce uncertainties in decision-making and focus attention on whether public officials are fulfilling their legal duties. In New Zealand, the Public Service Act 2020 and associated laws (particularly, for instance, the Official Information Act 1982) do clearly specify public servants' obligations and detail enforceable rules of behaviour. At the same time, Singapore's Prevention of Corruption Act (PCA) provides well-established descriptions of corrupt conduct.

5.6.2 Independent Oversight Bodies

Institutional independence is essential to conduct independent oversight and enforcement, such as the Office of the Ombudsman or its equivalent, the Auditor-General, and SFO in New Zealand or CPIB in Singapore, which operate independently from political interference. This independence enables them to control, investigate, and penalise corruption credibly.[762] Independent scrutiny is not just about ensuring compliance; it's also about bolstering public confidence that wrongdoings are dealt with impartially and without political influence.

5.6.3 Transparency and Citizen Access to Information

Transparency serves as a critical preventive measure against corruption. In New Zealand, laws facilitating access to information and mechanisms for public reporting enable citizens and civil society to scrutinise government decisions. This scrutiny reduces opportunities for abuse and promotes accountability. Singapore's focus on transparent administrative procedures, alongside public disclosure of governance standards, fosters an environment conducive to the detection and discouragement of corrupt actions. Such transparent systems empower stakeholders to engage actively in governance, thereby promoting a culture of openness and ethical behaviour.

5.6.4 Meritocracy and professionalisation

Merit-based recruitment, promotion, and training of civil servants enhances institutional competence and upholds ethical standards.[763] Both benchmark countries illustrated that professionalisation mitigates nepotism and patronage while fostering procedural fairness. Singapore's disciplined, meritocratic civil service, alongside New Zealand's established public service standards, ensures that positions of authority are held by qualified individuals. This directly enhances administrative integrity and diminishes the risk of corruption.

---

762 Gong, T., & Wang, D. (2024). Value co-creation in fighting corruption: evidence from New Zealand *Global Public Policy and Governance, 4*(3), 254-272.

763 Haider, H. (2019). Merit-based recruitment in the public sector: effectiveness and challenges.

5.6.5 Predictable Enforcement

Consistency and reliability in law enforcement are essential for deterring administrative corruption. New Zealand and Singapore both implement clear and predictable sanctions for violations of anti-corruption laws, ensuring that public officials understand the consequences of misconduct.[764] Predictable enforcement enhances legal certainty, bolsters deterrence, and elevates the legitimacy of institutions by indicating that rules are enforced impartially for all individuals, irrespective of their status or influence.

5.6.6 Ethical Norms and Governance Culture

When values are embedded into institutions and an environment of integrity is developed, compliance becomes much more than just legal requirements. Singapore's zero-tolerance stance, strong leadership, and meritocratic principles contrast with the New Zealand model of egalitarian administrative culture, for example. These are illustrative examples where governance norms shape self-regulation and moral accountability among public officials in their public lives (Manion, 2022). There is no doubt that ethical culture contributes to institutional legitimacy and public trust and can work with legal and regulatory compliance arrangements.

5.6.7 Combining Legal, Behavioural and Management Approaches

Effective anti-corruption systems are multipartite, involving law enforcement, behavioural interventions, and managerial arrangements (Hechler, 2020). In practice, this will entail harmonising statutes, ethics training for oversight bodies, risk controls, and standardised procedures. In New Zealand and Singapore, there is no permanent solution other than an all-encompassing strategy that integrates structural, organisational, and cultural elements. Integration makes legal rules safe from arbitral judgment, public opinion, and institutional weakness, ensuring a robust defence against corruption.

---

764 Rose-Ackerman, S., & Palifka, B. J. (2016). *Corruption and government: Causes, consequences, and reform*. Cambridge university press.

5.7 Lesson for Afghanistan

These thematic findings imply that the anti-corruption challenges of Afghanistan are systemic across legislation, institutional capacity, administrative processes, and governance culture. Lessons from New Zealand and Singapore suggest that efforts to fight administrative corruption in Afghanistan must incorporate clear legal frameworks, independent oversight, transparency, merit-based civil service, predictable enforcement, an ethical culture, and multidimensional integration into a context-specific anti-corruption regime. Addressing comprehensive measures in these dimensions can reduce the risk of corruption, improve public trust, and make governance more legitimate. By fostering an environment that prioritises accountability and ethical behaviour, Afghanistan can begin to rebuild its institutions and restore citizen confidence. Moreover, sustained international support and collaboration will be crucial in implementing these reforms effectively.

5.8 Conclusion

Chapter Five has examined the experiences of both New Zealand's transparency-based anti-corruption framework and Singapore's enforcement-driven framework to derive lessons relevant to Afghanistan. Although the two methodologies diverge in strategy, they exemplify successful anti-corruption systems that necessitate a combination of legal clarity, institutional autonomy, professionalised bureaucracy, transparency, and predictable enforcement. The primary challenge in Afghanistan lies not in the absence of legal principles but rather in their insufficient implementation, political interference, limited institutional capacity, and unprofessional management. The thematic and comparative analysis in this chapter underscores the necessity for reforms within Afghanistan's anti-corruption system, specifically targeting legislation, institutions, administrative processes, and governance culture. Insights gleaned from New Zealand and Singapore present both preventive and enforcement-orientated strategies, serving as a foundation for the development of a context-sensitive framework that enhances accountability, mitigates corruption risks, and restores the public trust towards government.

Moreover, drawing from the findings presented in this chapter, the following Chapter Six will outline Recommendations and Conclusions. It will incorporate the

lessons learnt into a comprehensive anti-corruption framework specifically designed for Afghanistan's distinctive legal, institutional, and socio-political context.

CHAPTER 6
RECOMMENDATIONS AND CONCLUSION

6.1 Introduction

Chapter Six serves as the concluding chapter of this thesis and has two primary objectives. Initially, it provides a detailed set of recommendations designed to address administrative corruption in Afghanistan, which are based on the conceptual, historical, legal, and comparative analyses presented in Chapters One to Five. Second, it provides a comprehensive analysis of the entire research by synthesising the results from each chapter and directly addressing the research questions and objectives.

Chapter One of this research outlined the research problem, described the doctrinal methodology, and established the theoretical foundations. Chapters Two to Four examined the conceptual, historical, and legal dimensions of administrative corruption in Afghanistan, highlighting the causes, determinants, and systemic weaknesses that impede efforts to address this issue.

Chapter Five of this research has analysed the anti-corruption frameworks employed in New Zealand and Singapore, highlighting key lessons applicable to Afghanistan. These lessons underscore the significance of statutory clarity, independent oversight, transparency, meritocracy, predictable enforcement, an ethical culture, and integrated legal-behavioural-management approaches. Building on these analyses, this chapter translates theoretical concepts and comparative insights into a practical, phased, and effective anti-corruption framework specifically designed to address Afghanistan's unique institutional realities.

The recommendations presented in this chapter are grounded in the Fraud Triangle Theory, which delineates three key factors that contribute to corruption: pressure, opportunity, and rationalisation.[765] Furthermore, they are informed by Fayol's Management Theory, which emphasises the importance of planning, organising,

[765] Schuchter, A., & Levi, M. (2016). The fraud triangle revisited. *Security Journal, 29*(2), 107-121.

leading, and controlling as essential elements of effective public administration.[766]

6.2 Anti-Corruption Framework for Afghanistan

Afghanistan's administrative corruption is fundamentally entrenched in structural weaknesses within its political, legal, and institutional frameworks. As discussed in Chapter Three, key factors undermining anti-corruption efforts include a lack of a zero-tolerance culture, inconsistent political will, overlapping and poorly coordinated strategies, judicial impunity, foreign-backed interventions, nepotism, the influence of warlords, ambiguous legislation, weakened institutions, institutional multiplicity, failures in execution, and entrenched clan structures.

These factors generate pressure, create opportunities, and provide rationalisations for corrupt behaviour, which is consistent with the Fraud Triangle Theory. Furthermore, the lack of a cohesive framework and robust enforcement mechanisms undermines organisational control and planning, as outlined in Fayol's principles. Addressing these structural causes is crucial for the development of a sustainable anti-corruption framework in Afghanistan.

The recommended anti-corruption framework for Afghanistan, as detailed in the research, consists of four key pillars: building political will, consolidating anti-corruption laws, enhancing the effectiveness of anti-corruption agencies (enforcement), and standardising public administration in accordance with Nolan's Principles. All these pillars will be connected to the theories outlined in this research's conceptual framework and to the benchmarks established by New Zealand and Singapore.

6.2.1 Building Political Will

According to the illustrations in the literature in Chapter Two and findings in Chapter Six, the lack of political will is considered one of the predominant causes of failures in anti-corruption reform and a major obstacle in achieving development goals. Political leadership and a commitment to combating corruption at the highest levels are crucial for initiating and sustaining reforms until tangible outcomes are achieved.

---

[766] dewi Saraswati, P., Saputra, H. E., & IS, T. H. (2025). Administrative Management Evaluation Of Bengkulu City Transportation Agency In The Management Of Traffic Signs And Road Markings. *Jurnal Multidisiplin, 2*(2), 93-100.

Individuals in positions of power are anticipated to place the common good above their personal interests. As they create the laws and allocate authority, personnel, and resources necessary for effective enforcement, they are the primary principal actors capable of transforming a nation's culture of corruption. Researchers suggest that political will has been the most crucial aspect in guaranteeing the effective implementation of comprehensive anti-corruption strategies in countries like Singapore.[767] As discussed in Chapter Five, Singapore and New Zealand built political will in the early days of their sovereignty. Therefore, several measures should be taken to encourage Afghan key officials to rebuild political will and restrain administrative corruption. The recommendations are as follows:

6.2.1.1 Creating Demand for Anti-Corruption Efforts Among Political Elites

In many countries with inadequate governance, where accountability, transparency, and the rule of law are limited, building political will can be challenging.[768] This often results in a vicious cycle, where the absence of strong leadership perpetuates corruption and undermines efforts for meaningful change. Consequently, fostering a culture of integrity and commitment to reform becomes essential for initiating sustainable development and restoring public trust. As discussed, the strategy of applying pressure by external actors to endorse specific agendas, such as the Afghan government's ratification of the UNCAC in 2008, the establishment of anti-corruption organisations like the AOOAC, or the enactment of various anti-corruption laws, has been employed in numerous developing countries in recent years. However, findings in this research revealed that importing models of laws and institutions from "developed nations" that enjoy the existence of the rule of law to settings with weak governance systems and institutions in many countries. Therefore, current research suggests two practical approaches to generating demand for political will among Afghan politicians.

Initially, self-centredness, or political self-interest, which is considered a crucial

---

767 Quah, J. S. (2013). Curbing corruption in Singapore: The importance of political will, expertise, enforcement, and context. In *Different paths to curbing corruption* (pp. 137-166). Emerald Group Publishing Limited.

768 Mungiu-Pippidi, A. (2011). Contextual choices in fighting corruption: Lessons learned. *Norwegian Agency for Development Cooperation*.

source of political will, and it is important to emphasise the political benefits that bureaucrats and politicians can gain from supporting anti-corruption reforms. The gain might be different from luring more donor funds to the possibility of revealing political opponents. In Afghanistan, with a history of totalitarian theocracy[769] and having experienced a transition to democracy, the politicians often maintain power at all costs. In this situation, one initial tactic for increasing demand for anti-corruption reforms among public officials may be to address the fear of losing their power.

The second proposed approach to generate political will among Afghan political elites is to require regular reporting on the progress of the International Transparency Initiative of Afghanistan in implementing anti-corruption laws, as these initiatives have created incentives for political elites to combat administrative corruption.

Despite the two approaches mentioned above for generating political will among the political elite, the following recommendations are directed at Afghan society to help build and sustain political will aimed at eradicating administrative corruption. These recommendations emphasise the importance of grassroots mobilisation, fostering a culture of accountability, and encouraging civic engagement. By empowering citizens to demand transparency and integrity from their leaders, Afghan society can create a robust framework that supports the fight against corruption. Below are the recommendations:

6.2.1.2 Building Trust Between Afghan Civil Society and State Actors

The research background presented in Chapter One, along with the literature reviewed in Chapter Two and the findings detailed in Chapter Six, indicates that corruption in Afghanistan has led to a significant lack of trust between its citizens and politicians. This lack of trust can be a significant barrier to political will, and the term "government versus civil society"[770] can make politicians unaware of civil society. Hence, current research suggests that providing a neutral space for stakeholder engagement in which both parties can express their opinions might assist in generating political will for reform. Such engagement can foster mutual understanding and

---

769 A totalitarian theocracy is a system of governance in which government is based on a religious ideology and has complete authority over every aspect of both public and private life.

770 Rosenblum, N. L., & Lesch, C. H. (2023). Civil society versus government. *The Oxford handbook of civil society*, 285-298.

collaboration, ultimately bridging the gap between government and civil society. By creating inclusive forums for dialogue, stakeholders can work together to identify common goals and develop strategies that address the needs and concerns of the populace.

6.2.1.3 Making Critical Cooperation

Governance transformation necessitates collaboration among multiple stakeholders. This does not imply that the government and civil society must agree, but they must be willing to interact, such as by providing neutral pathways for meaningful discourse. Critical collaborations between government and society are vital for addressing complex societal issues, fostering innovation, and improving service delivery.[771] By involving diverse stakeholders such as civil society organisations, community groups, and the private sector, the government can leverage a broader range of expertise, perspectives, and resources to achieve shared goals. Hence, there should be critical collaboration between Afghan society and the government to address complex societal issues. The following are creating cooperation channels between the Afghan government and society:

1) Initiating collaboration between government agencies and private sector entities that may leverage the strengths of both to deliver services to the public.
2) Afghan governments could partner with civil society organisations to address social issues, leveraging their expertise, community connections, and ability to reach populations.
3) Formal agreements and contracts with civil society that may establish clear roles, responsibilities, and accountability frameworks for collaborative projects. For example, the Social Impact Investment Advisory Group, a partnership between the Treasury and the Department for Culture, Media, and Sport, brings together government, investors, and civil society organisations to develop policies related to social impact investment.

---

[771] Mungiu-Pippidi, A. (2011). Contextual choices in fighting corruption: Lessons learned. *Norwegian Agency for Development Cooperation*.

4) Afghan governments can regularly seek public input on policy proposals through surveys, hall meetings, and online platforms.
5) Creating citizen advisory boards to provide a structured mechanism for ongoing dialogue and feedback between citizens and government on specific policy areas.

6.2.1.4 Making Use of Legal Reforms

Implementing legal reforms is another approach that current research suggests for building political will among the political elites. Setting regulatory criteria and sanctions for corruption may contribute to adjusting the prevailing incentive structure.[772] These initiatives, nonetheless, are often complemented by programmes that consolidate the rule of law reforms and training for prosecutors, lawyers, investigators, and judges in order to ensure correct enforcement of the laws and legitimately sanction corruption.[773] Hence, by expanding the use of credible implications against fraudulent government officials, building political will might be achieved by supporting rule of law modifications and training for investigators, lawyers, and judges.

6.2.1.5 Creating Demand for Anti-Corruption Reforms Among Afghan Citizens and Civil Society

Chapter Six revealed that there is a lack of zero tolerance against administrative corruption in Afghan society. Political will to combat corruption is commonly seen emanating from the higher levels of a nation's political system; nonetheless, political will may not always come from the top down and can be reinforced by bottom-up measures. Public authorities on the frontlines of service delivery may be dedicated to combating administrative corruption and deterring higher-level authorities from defrauding and abusing their position. In certain instances, civil society organisations might contribute to fighting against corruption outside of the state's framework. These actors' readiness to take part in anti-corruption initiatives like advocacy and whistleblowing can put pressure on those in positions of authority to initiate and

---

772 Shen, S. V. (2025). Political will as a source of policy innovation. *Policy Studies Journal, 53*(1), 185-200.

773 Brinkerhoff, D. W. (2010). Unpacking the concept of political will to confront corruption. *U4 Brief*.

maintain reform.

Moreover, in societies where corruption is widespread, the success of organisational reforms and top-down anti-corruption measures may vary, mainly because they threaten the bureaucratic and political system. In these nations where political will is either absent or weak at the top, civil society pressure from the bottom up can help drive political reforms.[774] Commonly, bottom-up interventions target citizens' behaviour and work to increase demand for reform outside of the government. Political will for anti-corruption measures can be generated by citizens' shifting attitudes and behaviours regarding corruption, since a fall in public confidence for politicians whose degrees of corruption are viewed as excessive might impact their incentive structures. The political structures that control the interaction between citizens and politicians, such as the existence or nonexistence of electoral institutions, election regulations, and laws on access, determine how effective such bottom-up initiatives are.

Furthermore, bottom-up strategies or social accountability[775] systems work better when civil society has the authority to use horizontal accountability and sanctioning processes like elections to reward integrity or punish corrupt officials. The creation of coalitions among the pertinent stakeholders, namely high-level politicians and civil society, is therefore necessary for the endeavour of rebuilding political will, which calls for both top-down and bottom-up strategies.[776] Hence, from a bottom-up standpoint, mobilising and empowering citizens are the most crucial strategies for creating political will; facilitating and endorsing citizens' ability to articulate their thoughts is essential for generating political will. Forums that engage substantial numbers of citizens and effectively express their ability for collective action can significantly exert pressure on political leaders to address corruption. And citizens who are active and involved perform an important role in creating political will. Public authorities who regard individuals as misinformed, uninterested, or unengaged are

---

774 Serra, D. (2012). Combining top-down and bottom-up accountability: evidence from a bribery experiment. *The journal of law, economics, & organization, 28*(3), 569-587.

775 Social accountability is characterised as a methodology for establishing accountability that depends on civic participation, wherein ordinary persons and civil society organisations actively or passively partake in demanding responsibility.

776 Hollyer, J. (2011). Is it better to empower the people or the authorities. *Assessing the conditional effects of "top-down" and "bottom-up" anti-corruption interventions in D. Serra and L. Wantchekon (eds.), New Advances in Experimental Research on Corruption (Research in Experimental Economics, Vol. 15*.

unlikely to support anti-corruption legislation. Providing individuals with education and training is therefore critical to increasing the interest and confidence of political stakeholders in the achievement of these reforms.[777] Therefore, the most important strategy to generate political will is the bottom-up approach.

6.2.1.6 Evaluating Political Will

The final step recommended by this research for fostering political will is to assess it. The intricate nature of political will renders the identification of its evidence difficult. Political will is difficult to distinguish from the action it supports, making direct measurement difficult.

Moreover, while some politicians may publicly oppose anti-corruption initiatives, many are likely to claim support while (deliberately) failing to put them into practice.[778]

Furthermore, many studies that assert a reform failed due to insufficient political will have analysed unsuccessful programmes retrospectively. The failure to implement change is often viewed as indicative of a lack of political will, while successful implementation is seen as evidence of its presence.[779] Therefore, determining whether a country has the political will to support specific reforms is extremely difficult. To address this issue, current research has identified certain forms of evidence that demonstrate the presence of political will within a country. When assessing the existence and strength of political will to support anti-corruption initiatives, the following characteristics may prove useful, as they reflect the tangible outcomes of political will.

1) Initiatives to Mobilise: Political actors' strong political will is demonstrated by their attempts to gather support from other stakeholders, including the private sector and civil society organisations, for the execution of reforms.

---

777 *Ibid*.

778 Malena, C. (2009). *From political won't to political will: Building support for participatory governance*. Kumarian Press.

779 Post, L. A., Raile, A. N., & Raile, E. D. (2010). Defining political will. *Politics & Policy, 38*(4), 653-676.

2) Political will relates to where the impetus to implement reforms comes from. Local initiative anti-corruption efforts demonstrate that the government recognises the importance of the issue and is willing to act.
3) Externally enforced or imported anti-corruption programmes, on the other hand, face the issue of fostering genuine commitment and ownership among those in politics.
4) Level of analytical precision: The anti-corruption measures that are adopted or implemented based on evidence analysis of the possibilities and their associated costs and benefits are more likely to demonstrate an incentive to act and produce positive results. However, "window-dressing"[780] anti-corruption initiatives are likely to be introduced without considering the needs, costs, and context of the country and demonstrate a lack of commitment to bringing forward reform.
5) Long-term Commitment and Resource Allocation: The degree of political will can also be inferred from the quantity of financial and human resources allocated to advancing the reform's aims and objectives. Political will may also be lacking if new anti-corruption organisations are established but face underfunding and a staffing deficit. Since politicians frequently view anti-corruption initiatives as one-time projects or symbolic gestures, it is equally critical to consider the long-term resource allocation for the anti-corruption strategy.
6) Implementing Appropriate Sanctions: Corruption cannot be decreased without meticulously weighing the consequences. A strong commitment to combating corruption and a greater level of political will are thus shown by an effective, proportionate, and enforced penalties framework. Conversely, selective and symbolic sanctions indicate a lack of political will.
7) Learning from the Past and Adaptation to the New and Practical Initiatives: Establishing a procedure for tracking and observing the outcomes of anti-corruption initiatives and regulations is particularly important since it enables the methods to be adjusted to new situations.[781] It also demonstrates a certain

---

780 Bjarnegård, E., & Donno, D. (2024). Window-dressing or window of opportunity? Assessing the advancement of gender equality in autocracies. *Politics & Gender, 20*(1), 229-234.

781 Lee, D. S., Meyer-Sahling, J.-H., & Park, S. (2023). Learning effects of anti-corruption reform in public organisations: explanations from social psychological theory. *Public Management Review*, 1-22.

level of commitment to taking lessons from the past and keeping a more transparent and accountable record of accomplishments.

To conclude, building political will among the political figures is one of the pillars of the anti-corruption framework recommended in this research, which has steps to be followed: It begins with creating demand for anti-corruption efforts among the Afghan political elites, building trust between Afghan civil society and government actors, making critical coordination, making use of legal reforms, building demand for anti-corruption reforms among Afghan citizens and civil society organisations and evaluating the political will, which denotes the timely measurement of this initiative.

6.2.1.7 Theoretical Link

Initially, political commitment directly addresses the rationalisation component of the Fraud Triangle by indicating that corruption is socially, morally, and institutionally intolerable, thereby deterring the justification of unethical conduct.[782]

Moreover, from Fayol's perspective, good leadership exemplifies the principle of leading by making sure that civil servants clearly understand and adopt organisational goals, ethical standards, and accountability rules. Furthermore, strong political will helps align the culture of institutions with ethical behaviour, which then strengthens adherence to rules.

6.2.2 Consolidating the Anti-Corruption Laws

Findings in Chapter Six showed that there was a multiplicity of anti-corruption laws to tackle administrative corruption in Afghanistan. However, the Constitution of Afghanistan indicates that the government must maintain public order and eliminate administrative corruption. Article 7 and Paragraph 3 of Article 75 specify the government’s obligation to eradicate administrative corruption; additionally, there is a lack of unification among anti-corruption laws in Afghanistan. Afghanistan ratified the UNCAC on 25 August 2025 and is also a signatory to the United Nations Convention

---

[782] Roffia, P., & Poffo, M. (2025). Revisiting the Fraud Triangle in Corporate Frauds: Towards a Polygon of Elements. *Journal of Risk and Financial Management, 18*(3), 156.

against Transnational Organised Crime.

Moreover, Afghanistan enacted the Anti-Bribery and Administrative Corruption Act 2004, enacted the Law on Monitoring the Implementation of the Anti-Corruption Strategy 2008, enacted the Criminal Code 2017, enacted the Law on Protection of Whistleblowers of Administrative Corruption Crimes 2018, enacted the Anti-Corruption Law 2018, and enacted other anti-corruption orders and decrees every year, which led to confusion among enforcement agencies and individuals. Hence, this research recommends introducing a consolidation of anti-corruption laws to bring together several existing laws on the same subject into one act. This procedure may simplify the anti-corruption laws, making them simpler to comprehend and implement.

Furthermore, the consolidation of existing anti-corruption laws may restructure and clarify rather than alter them. Consolidation is the process of combining several statutes and laws on the same topic into a single parliamentary act.[783] This research recommends the consolidation of anti-corruption laws in Afghanistan to bring unification to anti-corruption laws to prevent focusing on enforcement and individuals and boost the efficacy of these laws in combating administrative corruption. These recommendations are for the legislature of Afghanistan to consolidate the multiplicity of laws into a single anti-corruption law.

Thus, the legislative branch of Afghanistan, as a lawmaker based on the provisions in Article 94 of the Constitution, plays a vital role and contributes significantly to the consolidation of law in Afghanistan. The consolidation of anti-corruption laws in the future may play a significant role in minimising the rate of corruption in the country. The legislative branch could take several measures to enhance the efficacy of anti-corruption laws and strongly encourage the enforcement actors to implement the unified act. The recommendations are as follows:

6.2.2.1 Drafting the Consolidated Text of Anti-Corruption Law

As discussed in Chapter Four, the first step in Afghanistan's legislative procedure is drafting. Although each of the state's three branches can commence a legislative process by introducing a bill, the bill's formalities and processes differ

---

783 Makower, A., & Smyth, L. L. (2020). Law reform bills in the Parliament of the United Kingdom. *Eur. JL Reform, 22*, 164.

between the three branches. The National Assembly (Wolesi Jirga and Meshrano Jirga) has held the power to unify the law for a long time, even before Afghanistan's independence. The National Assembly is the highest legislative body, and its primary function is to create and ratify laws, ultimately unifying legal frameworks across the country.[784]

Moreover, the most usual method for drafting, scrutinising, and passing or approving a law is to begin with government agencies, be passed by the National Assembly, then be signed and endorsed by the president, and ultimately be published in the Official Gazette. Therefore, this research recommends that the Afghan legislature write the draft of the consolidated anti-corruption law and refer it to the National Assembly for voting and to the head of state's office for approval and publishing in the Official Gazette as a single anti-corruption law.

6.2.2.2 Sectionalisation of Anti-Corruption Law

The current anti-corruption laws in Afghanistan could be chaptered into distinct sections to cover every aspect of existing anti-corruption laws and statutes and determine the scope and limitations of the recommended law. The Republic of Afghanistan published the unification of the Civil Code in 1977. This Civil Code regulates private rights of people, marriage, legal persons (companies), property and real rights (e.g., ownership), and contracts. The Code comprises its general section and three books: Book One covers Rights, Book Two Designated Contract, and Book Three Covered Real Rights. Therefore, this research recommends that Afghanistan's legislature could specify the parts of the "Anti-Corruption Law" in their draft by dividing it into a general section to define the crimes of administrative corruption; other types of corruption, Book One: Administrative corruption crimes and their punishments, Book Two; The conditions of approving and rejecting international anti-corruption convention provisions, and Book Three; Protecting and supporting Whistleblowers of Administrative Corruption Crimes in public and private sectors.

---

[784] Rubin, B. R. (2004). Crafting a constitution for Afghanistan. *Journal of democracy, 15*(3), 5-19.

6.2.2.3 Revisions to the Selection of Public Servants and Politicians

The analysis of anti-corruption efforts in Afghanistan presented in Chapter Three highlights a concerning trend: public officials have exhibited a diminishing commitment to their responsibilities and to the citizens over the past two decades, ultimately departing Afghanistan before the government's collapse in August 2021. Hence, this section of the chapter proposes amendments to the current laws governing the selection of public officials and public servants in Afghanistan.

Initially, this research concerns an amendment to Paragraph 1, Article 8 of the Afghanistan Civil Service Act. Article 8 of this law states that a person who meets the following requirements can be appointed as a member of the Independent Administrative Reform and Civil Service Commission:[785]

1) Must be an Afghan citizen.
2) Must be at least 30 years old.
3) Must have a high education and sufficient experience.
4) Must have a good reputation and good conduct.
5) Must not have been convicted of crimes or crimes against humanity.

This research suggests that Paragraph 1 of this article be reviewed and read as follows:

1) Must be an Afghan citizen and must not hold citizenship of any other country.

The second recommended amendment is to Paragraph 1 of Article 72 of the Constitution 2004 related to the appointment of ministers. “The individual appointed as Minister shall have the following qualifications: Shall have only the citizenship of Afghanistan; if the ministerial candidate has the citizenship of another country as well, the House of People shall have the right to approve or reject the nomination”.[786]

This research suggests revising the second phrase of this paragraph and limiting the appointment of ministers and their elections to only one citizenship (Afghan citizenship). Chapter 10 of the Constitution, titled “Amendments”, includes two articles

---

785 *The Afghanistan Civil Service Act 2005*, Art. 8.
786 *Constitution 2004,* Art. 72.

that focus on the processes involved in amending the Constitution and its implementation. The first article outlines the procedures for proposing amendments, while the second addresses the ratification process. Together, these articles ensure that the Constitution can evolve to meet the changing needs of society.[787] This chapter of the constitution declares that only the principles of adherence to the tenets of the holy religion of Islam shall not be amended.

Moreover, according to these articles, amendments to the fundamental rights of the people shall be permitted only if they serve to enhance those rights. This research posits that restricting officials' appointments to single citizenship is regarded as a means of improving the fundamental rights of Afghans. These amendments to the existing laws concerning the citizenship of public officials and public servants will increase their accountability in fulfilling their duties in public life. Additionally, they will improve the delivery of public services and address the issue of administrative corruption that arises from a lack of responsiveness.

6.2.2.4 Theoretical Link

A consolidated and clear legal framework reduces the opportunity for corruption by minimising legal ambiguity and discretionary loopholes. From a management perspective, codified laws enhance Fayol's planning and controlling functions by providing predictable operational guidelines and measurable standards. This enables managers and supervisors to systematically monitor. Legal clarity contributes to enhanced organisational consistency, greater accountability, and improved effectiveness in enforcement.

6.2.3 Consolidating Anti-Corruption Agencies

As discussed in Chapter Three, significant challenges in addressing administrative corruption were caused by the multitude of anti-corruption agencies. This proliferation of agencies resulted in a heightened level of corruption, as it created confusion during the implementation stage.

Moreover, most of these anti-corruption agencies were supported financially

---

[787] *Constitution 2004,* Art. 149, 150.

and technically by foreign donors, such as the "High Directorate for Supervision of the Implementation of the Anti-Corruption Strategy", which was established at the international conference held in Paris on June 16, 2008, which brought together participants from sixty-five countries and about twenty international organisations. The Afghan delegation promised the conference that it would fight decisively against administrative corruption. Hence, this research recommends the unification of the anti-administrative corruption enforcement agencies in Afghanistan.

Therefore, Fayol's Theory of Management, specifically its principle of Unity of Command, highlights the importance of a clear chain of command and the need for enforcement agents to receive instructions from only one department and supervisor. Adapting this principle is crucial for creating a cohesive and efficient enforcement mechanism within an organisation, guaranteeing that commands and actions are well-coordinated and consistent.[788] The merger of all anti-corruption institutions under the umbrella of a single organisation is vital for the unity of command against administrative corruption.

Furthermore, Chapter Five illustrates that CPIB is the sole agency responsible for combating corruption in Singapore, which has made Singapore one of the least corrupt countries in the world. Hence, the Afghan government could take some steps to consolidate the anti-administrative corruption agencies. Recommendations are as follows:

6.2.3.1 Define Explicit Roles and Responsibilities

Following the merger of the anti-corruption agencies, the Afghan government could delineate the specific responsibilities assigned to each unit within the anti-corruption agency, ensuring that there are no overlaps or gaps in their duties. Paragraphs 1 and 2 of Article 6, along with Article 36 of the UNCAC, stipulate the establishment of anti-corruption organisations that possess the requisite independence, objectivity, qualified personnel, and adequate funding to fulfil their responsibilities.

The UNCAC recognises that there is not a single, universal strategy. The way that each nation handles its anti-corruption authorities is determined by its own political

---

[788] Bacud, S. A. D. (2020). Henri Fayol's principles of management and its effect to organizational leadership and governance. *Journal of Critical Reviews, 7*(11), 162-167.

climate, administrative structure, and financial capacity. Some nations have delegated all the Convention's obligations to a single specialised agency, while others have divided these duties among several organisations. As a result, anti-corruption organisations around the world are quite diverse, with some focusing largely on preventing corruption, others on investigating or prosecuting cases, and some combining all three. The names and terminology used also change globally, reflecting the various national institutions and methods. Evidence in Chapter Six explained that multiple anti-corruption agencies led to confusion and a lack of common command among the anti-corruption enforcement agencies in Afghanistan; this research recommends command unification for anti-corruption agencies in Afghanistan.

6.2.3.2 Independence and Accountability

Anti-corruption authorities should be free of political interference and regulated through transparent oversight processes. As discussed in the research background in Chapter One and the literature in Chapter Two, warlords and politicians have had intensive influence on enforcement agencies in Afghanistan. Even the foreign donors sought their interests in the government departments during their international duties in Afghanistan, which endangered the independence of executive agencies and undermined the development programmes. Hence, based on findings in current research, anti-corruption initiatives are most effective when they are locally owned, country-led, and supported by collective action from local stakeholders; the international community must play an important role in expanding and strengthening such collaborations. Donors can help generate demand for anti-corruption reforms by identifying and training key stakeholders, "Civil society watchdogs"[789] and media, as well as supporting constituency development and advocacy networks, and anti-corruption agencies ought to act independently. The following are some recommendations that the Afghan government could take to ensure the independence of the anti-corruption agency:

---

[789] Civil society watchdogs are organisations or individuals that monitor the activities of powerful entities, such as governments, corporations, or institutions, to ensure they act in the public interest and do not inflict harm on society.

1) The anti-corruption law must give the anti-corruption agency enough authority to arrest, investigate, and prosecute the perpetrators of administrative corruption crimes.
2) The anti-corruption agency must have full freedom to carry out their legal obligations in a neutral way, free from outside interventions.
3) Provide anti-corruption organisations adequate funding, personnel, and technological assistance they require.
4) There must be an independent monitoring mechanism to oversee the operations and practices of the anti-corruption agencies, such as a parliamentary oversight committee or a committee comprised of a "cross-section of professional" groups[790] and civil society.
5) To ensure the anti-corruption agency has access to the newest technology and investigation instruments.
6) Promote professionalism and capacity improvement among anti-corruption agency personnel.

Furthermore, the following are the recommendations to the "Anti-Administrative Corruption Agency" (AACA) in Afghanistan to enhance its accountability.

1) AACA must prove its capacity and intention to investigate and prosecute those involved in massive corruption (Catching the Big Fish)[791] and to inflict appropriate sanctions.
2) The AACA must set a good example by requiring their officials and staff to disclose assets proactively, report their activities publicly, and ensure public access to information.
3) Through community relations initiatives, AACA must interact with the public to inform them of the detrimental effects of corruption and to mobilise their support for their anti-corruption initiatives.

---

[790] A cross-section of professionals highlights a diverse group that includes individuals from various professional backgrounds and areas of expertise.

[791] This term refers to the prosecution of politicians and high-ranking officials for corruption.

6.2.3.3 Fostering Ethical Leadership

To encourage ethical behaviour, organisational leaders' integrity is essential.[792] Staff members are more likely to emulate integrity when leaders provide a role model. By demonstrating that integrity and equity are valued, ethical leaders set the tone for the organisation. Personnel observe these behaviours and realise that moral conduct is expected of them. Leaders can also foster an atmosphere that encourages candid conversations about ethics. Ethics can be kept at the forefront of discussions by holding regular meetings or training sessions.[793] An open dialogue can illustrate the organisation's dedication to ethical practices.

Moreover, ethical leadership promotes trust and may rebuild the public trust in government agencies. It is considerably more probable that staff members will feel safe and appreciated when they have faith in their managers. Ethical and reliable leadership may additionally serve to promote morale, increase involvement with the organisation's mission, improve productivity, and enhance collaboration. Therefore, this research recommends that the Afghan government promote ethical leadership among the top leaders of anti-corruption enforcement agencies through top-down management approaches.

6.2.3.4 Theoretical Link

Independent and professional enforcement institutions play a crucial role in mitigating opportunity and pressure within the Fraud Triangle. They achieve their goals by ensuring that corrupt acts are likely to be detected, investigated, and sanctioned impartially.[794] These organisations implement Fayol's principles of organisation and control by establishing structured workflows, clearly defined responsibilities, and performance monitoring mechanisms. This approach ensures the maintenance of accountability, integrity, and operational discipline.

---

792 Robinson, S. (2024). Leadership Integrity. In *Exploring Integrity in the Christian Church* (pp. 57-84). Springer.

793 Ahmad, S., Islam, T., Sadiq, M., & Kaleem, A. (2021). Promoting green behavior through ethical leadership: a model of green human resource management and environmental knowledge. *Leadership & Organization Development Journal, 42*(4), 531-547.

794 Schuchter, A., & Levi, M. (2016). The fraud triangle revisited. *Security Journal, 29*(2), 107-121.

6.2.4 Standardizing Public Administration

As discussed in this research, public administration is weakened by the intervention of traditional leaders, the National Assembly members, and warlords, and the existence of a culture of impunity in government departments in Afghanistan. This chapter recommends that the Afghan government adopt a culture of meritocracy, incorruptibility, and transparency in public service; establish high standards of behaviour for public officials based on principles of integrity; and promote a culture of zero tolerance towards corruption in the public sector.

Moreover, standardised public administration involves establishing and implementing uniform methods, procedures, and standards among governmental entities to enhance efficiency, uniformity, and transparency in the provision of public services. This approach seeks to establish a framework that guarantees quality, predictability, and compatibility, consequently augmenting public trust in government.

Furthermore, based on the principles of administrative law discussed in Chapter Four, the officials in the public sector should act according to the principles of transparency, neutrality, accountability, and meritocracy in their public lives.[795]

Additionally, according to the Nolan Principles, public officials should act with objectivity, integrity, accountability, selflessness, openness, and honesty in public life, and essentially, they should create and maintain a system where public bodies are trustworthy and accountable to the people they serve. Michael Patrick Nolan served as the first head of the Committee on Standards in Public Life of the UK from 1994 to 1997. He served as a judge and attorney, and his committee oversaw creating the well-known "Nolan Principles", which outlined seven principles of public life.[796] These principles continue to be applied as a foundation for ethical conduct in public service and effective governance. Therefore, this research recommends that the Afghan government adopt the seven principles of public life to improve accountability, transparency, participation, equality, ethics, and responsibility within the public sector. This initiative aims to reinforce the rule of law in Afghanistan and to rebuild trust and satisfaction among citizens. The recommendations are as follows:

---

795 Lord Nolan first used the term "public life" in a formal sense in 1995 when he wrote a report for the Committee on Standards in Public Life.

796 Harris, J. (2000). Lord Nolan of Brasted. *Amicus Curiae*, 3-3.

6.2.4.1 Integrity

The first principle that this research recommends the Afghan government adopt in public service is integrity. This principle is also considered one of the fundamental tenets of administrative law, as established in Fayol's Management Theory. Integrity means that public officials must avoid putting themselves under any inappropriate influence from other individuals or organisations in their decision-making. They should not act or take decisions which might lead to any financial or material gain for themselves or their family or friends and declare and resolve any interests and relationships in their actions.[797] As revealed in the findings section, Afghan officials were looking after their relatives in their appointments. The principle of integrity explains that public officials should not impose any kind of financial or other commitment on outside parties that may attempt to influence them in carrying out their official responsibilities.

Moreover, because of this principle, every individual serving in the public sector, including government councillors and officials, is required to declare any personal interests that could influence their work or any conflicts of interest arising from activities outside their public office. The crucial aspect of this principle is the necessity for potential conflicts to be appropriately declared and actively managed, thereby ensuring the maintenance of public trust. Consequently, it is strongly recommended that the government of Afghanistan adopt and promote the principle of integrity among public officials.

6.2.4.2 Selflessness

This research recommends that the Afghan government apply the principle of selflessness to all holders of public higher positions, such as heads of state, provincial governors, district governors, municipal officials, and those who deliver public services explained in the Afghanistan Administrative Division section in Chapter Four. Selflessness means that holders of public office must always act for the good of the public and not for themselves. Anyone who works for the public in any way should not

---

[797] Bew, P. (2015). The Committee on Standards in Public Life: twenty years of the Nolan principles 1995–2015. *The Political Quarterly, 86*(3), 411-418.

act or make decisions to gain private benefit for themselves, their families, or their friends. An organisation providing public services must always prioritise the public interest. This commitment goes beyond merely avoiding scandals or adhering to minimal compliance; it is fundamentally about delivering public services in a neutral manner.

Moreover, selflessness in local government means putting the public interest at the heart of everything the local authority does and what it values. Selflessness creates a culture of openness and accountability to enable good public decision-making for the benefit of local communities.[798]

Furthermore, this research recommends that provincial governors, district governors, and heads of Shuras planning decisions, for example, should always consider the wider public interest, especially when they may live in the area. Selflessness requires planning decisions that must reconcile competing interests and priorities. Provincial officers and district officers must not get drawn into private neighbourhood disputes. Selflessness is so important because it is fundamental to proper and robust decision-making on behalf of the public and will ensure the highest standards in public life.

6.2.4.3 Objectivity

Objectivity requires all individuals involved in public service, whether they are public office holders, institutions, or private providers of public services, to be expected to adhere to the principle of objectivity. Objectivity is the principle that requires officeholders to act with impartiality without discrimination, using the best available evidence to inform their decisions, such as awarding a contract or making appointments.[799] This principle will ensure that the Afghan government decisions are trustworthy by providing independent statistics on appointments and awarding contracts to the private contractors, which was absent for more than two decades in the country.

Moreover, the Afghan government may oblige public figures, especially politicians, to make decisions based only on the merits, impartially, and free from bias

---

798 Spicker, P. (2014). Seven Principles of Public Life: time to rethink. *Public Money & Management, 34*(1), 11-18.

799 *Ibid*.

or discrimination by adapting this principle of objectivity.

6.2.4.4 Accountability

Accountability means that decisions are scrutinised, and those working on behalf of the public must demonstrate that they are living up to the standards that the public would expect.[800]

According to this principle, to become a successful government in combating administrative corruption, the Afghanistan government should also retain the confidence of its officials.

Accountability is one of the seven principles of public life. These are agreed principles that everybody in public office, whether they be heads of state, ministers, police officers, or parliament members, are expected to uphold as they work on behalf of the public in the government. Therefore, this research recommends that Afghan public office holders should subject themselves to scrutiny to ensure their public accountability regarding their decisions and conduct.

6.2.4.5 Openness

Public officeholders ought to behave and make decisions transparently and openly. Openness means that holders of public office and everyone who works for them must act and take decisions openly and transparently so the public can access the information on which these decisions are made, unless there are clear and lawful reasons to protect sensitive information.[801] A good example of this is the strict implementation of the "Access to Information Law", which enables any member of the public to obtain information held by public authorities. The Access to Information Law was enacted in accordance with Article 50 of the Afghanistan Constitution in 2014. It aligns with international human rights standards and enhances the constitutional right to information.

Moreover, this research recommends that the Afghan government departments

---

800 Kippin, S., & Pyper, R. (2025). Scrutiny of ministerial ethics and standards of conduct in the UK: diluted accountability? *Ibid., 45*(2), 129-138.

801 Spicker, P. (2014). Seven Principles of Public Life: time to rethink. *Ibid., 34*(1), 11-18.

also commit to publishing certain categories of information routinely, for example, who they employ, how much they spend, and what contracts they enter. Transparency enables the public to comprehend when and how decisions are made. It plays a crucial role in holding the government accountable and in scrutinising decision-making processes at all levels.

6.2.4.6 Honesty

Honesty means holders of public office must be truthful. Honesty means holders of public office must be truthful in their conduct. This entails being direct, truthful, and open in their interactions. It also includes disclosing any private interests that might interfere with their official responsibilities and acting to settle them in the public interest.

6.2.4.7 Leadership

Demonstrating ethical leadership in both favourable and challenging circumstances embodies the essence of living by the seven principles of public life, as well as the standards that the public expects from its servants.[802] Public officeholders are expected to lead by example and to advocate for ethical behaviour wherever it is encountered, whether they are healthcare professionals or members of parliament. Public officeholders are supposed to act in a way that demonstrates these principles. They ought to vigorously uphold and actively advance the values and be prepared to confront misconduct wherever it occurs

6.2.4.8 Theoretical Link:

Merit-based recruitment, transparent procedures, and professionalised administration diminish both the opportunity for and the justification of corrupt behaviour. This occurs as civil servants are chosen and advanced based on their competence and adherence to ethical standards, rather than their personal

---

802 *Ibid*.

connections.[803] Moreover, based on Fayol's perspective, standardisation embodies the principles of planning, organising, and controlling by aligning administrative structures with well-defined hierarchies, processes, and accountability mechanisms. This alignment fosters behaviour that is predictable, disciplined, and compliant with the law.

Table 6.1
Anti-Corruption Framework for Afghanistan

Dimension	Objective	Key Measures	Theoretical Link
Political Will & Leadership	Ensure sustained commitment to reforms	High-level endorsement, integration into national policies, stakeholder engagement, and public campaigns	Reduces rationalisation (Fraud Triangle); aligns with Fayol's leading principle
Legal Consolidation	Clarify and strengthen anti-corruption laws	Comprehensive legislation, alignment with UNCAC, and transparent penalties	Reduces opportunity (Fraud Triangle); supports planning and controlling (Fayol)
Institutional Strengthening	Enhance independence and capacity	Single autonomous agency, inter-agency coordination, capacity building, efficient adjudication	Reduces opportunity and pressure (Fraud Triangle); operationalizes organizing and controlling (Fayol)
Public Administration Standardising	Standardize civil service	Merit-based recruitment/promotion, codes of ethics, training, and digital governance	Reduces opportunity and rationalization; supports structured administration (Fayol)

Table 6.1 illustrates the four pillars of the anti-corruption framework recommended by this research. These pillars are vital to maintaining a transparent and accountable governance structure. By adopting this framework, the Afghan government has the potential to markedly diminish the risk of corruption and foster ethical conduct across all tiers of governance.

[803] Tickner, P., & Button, M. (2021). Deconstructing the origins of Cressey's Fraud Triangle. *Journal of Financial Crime, 28*(3), 722-731.

6.3 Future Research

Future research on combating corruption in Afghanistan could explore several areas: First, considering the library-based nature of current research, future research on fighting corruption could adopt a qualitative methodology to measure the efficacy of combating administrative corruption approaches and results. Such research could uncover Afghanistan's approach to combating administrative corruption. Second, future research can be done on combating other types of corruption crimes, such as patronage, state capture, and embezzlement, as listed in the Procedure for Combating Administrative Corruption and Supporting Whistleblowers of Administrative Corruption Crimes Act 2019.

The third potential work for future research could be to expand the scope of this research to include a comparative analysis of anti-corruption frameworks in Afghanistan and other countries, such as Denmark. Chapter Five of the current research provided an analysis of the anti-corruption frameworks in Singapore and New Zealand. Fourth, future research could also be on public administration and the rule of law in Afghanistan.

The fifth avenue for future research could focus on the role of the judiciary in addressing administrative corruption in Afghanistan. The literature review presented in the current research highlights that, following the executive branch, the judicial branch in Afghanistan is particularly susceptible to corruption.

6.4 Concluding Remarks

This research has validated and proved the first central argument of this thesis: that the rule of law is undermined by the official intensive influence in policymaking, recruiting government employees in higher positions, and the absence of political will to fight administrative corruption in Afghanistan. The second central thesis is that while Afghanistan has enacted anti-corruption laws and adopted a national strategy aimed at combating corruption, their implementation has been ineffective, and it is argued that some of these anti-administrative corruption laws and anti-corruption strategies are not making the social and cultural facts in Afghanistan better, illustrating ruined law enforcement, at least in the past two decades. Chapter Four also recommends that the Afghan government adopt an anti-corruption strategy based on its geographical

features, administrative divisions, and the nature of administrative corruption.

Moreover, Chapter Four illustrated the principles of law and principles of administrative law and suggested that Afghanistan should adopt the principle of administrative law in official public life. Finally, the findings highlight that the anti-administrative corruption laws and strategies have been undermined by official interventions. This has led to a lack of accountability and transparency within governmental institutions, further exacerbating the challenges faced in combating corruption. As a result, it is imperative for Afghanistan to strengthen its legal framework and enforce stricter measures to ensure that anti-corruption initiatives are effectively implemented and upheld. This suggests a need for a comprehensive review of existing policies to ensure that they are effectively implemented and monitored. Without such measures, the intended impact of these laws may remain compromised, allowing corruption to persist within administrative systems.

REFERENCES

Act, C. (1993). No 105 (as at 1 st November, 2010). *Public Act, New Zealand*.

Adams, A. (2014). Organised Crime and Anti-corruption Legislation Bill–First Reading. *New Zealand Parliamentary Debates, 4*.

Adelkhah, F. (2017). War and state (re) construction in Afghanistan: conflicts of tradition or conflicts of development? In *Development as a Battlefield* (pp. 135-163). Brill Nijhoff.

Afghanistan. (1964). *Constitution of Afghanistan*. Franklin Book Programs.

Afsah, E., & Guhr, A. H. (2005). Afghanistan: Building a State to Keep the Peace. *Max Planck Yearbook of United Nations Law Online, 9*(1), 373-456.

Aghion, P., Burgess, R., Redding, S. J., & Zilibotti, F. (2008). The unequal effects of liberalization: Evidence from dismantling the License Raj in India. *American Economic Review, 98*(4), 1397-1412.

Agreement, B. (2001). Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions. *United Nations*.

Agwani, M. (1980). The Saur revolution and after. *International Studies, 19*(4), 557-573.

Ahmad, S., Islam, T., Sadiq, M., & Kaleem, A. (2021). Promoting green behavior through ethical leadership: a model of green human resource management and environmental knowledge. *Leadership & Organization Development Journal, 42*(4), 531-547.

Ahrend, R. (2002). Press freedom, human capital and corruption. *DELTA working paper*(2002-11).

Aidt, T. S. (2003). Economic analysis of corruption: a survey. *The Economic Journal, 113*(491), F632-F652.

Aidt, T. S. (2011). The causes of corruption. *CESifo DICE Report, 9*(2), 15-19.

Akçay, S. (2006). Corruption and human development. *Cato J., 26*, 29.

Al-Jundi, S., Shuhaiber, A., & Al-Emara, S. S. (2022). The effect of political instability and institutional weakness on administrative corruption. *Contemporary Economics, 16*(2), 168-181.

Al-Jundi, S. A., Shuhaiber, A., & Al-Emara, S. S. (2019). The effect of culture and organisational culture on administrative corruption. *International Journal of Economics and Business Research, 18*(4), 436-451.

Alamro, H. (2024). The effect of corruption on public debt sustainability: Evidence from the European Union's countries [Special issue]. *Journal of Governance & Regulation, 13*(1), 333-340.

Alazzabi, W. Y. E., Mustafa, H., & Abdul Latiff, A. R. (2020). Corruption and control from the perspective of Islam. *Journal of Financial Crime, 27*(2), 355-368.

Albury, N. J. (2015). Collective (white) memories of Māori language loss (or not). *Language Awareness, 24*(4), 303-315.

Alder, J. (2002). *General principles of constitutional and administrative law*.

Alekseyeva, K., Birndorf, S., DeMott, J., Galvin, S., Hakimi, M., Perez-Sangimino, J. P., Rangchi, T., & Talent, M. (2017). *An Introduction to the Law of Afghanistan*. Stanford Law School.

Alfaro, E. (2022). Understanding the corruption perceptions index. In *Modern Indices for International Economic Diplomacy* (pp. 233-270). Springer.

Allen, R. (2013). Managing Extrabudgetary Funds. *The International Handbook of Public Financial Management*, 396-411.

Aman-Rana, S. (2020). In self interest? Meritocracy in a bureaucracy. *Work. Pap., Univ. Va., Charlottesville Google Scholar Article Location*.

Amin, A. S., Albrecht, P.-A., & Sack, F. (2020). *Judicial Independence in Afghanistan: A Study of the Legal System in Light of International Standards, Islamic Principles and the Afghan Legal Tradition*. BWV Berliner Wissenschafts-Verlag.

Angell, J. R. (1907). The province of functional psychology. *Psychological Review, 14*(2), 61.

Arendt, H. (1971). Thinking and moral considerations: A lecture. *Social research*, 417-446.

Arguin, J. (2017). Afghanistan's fight against corruption-the other battlefield.

Assembly, U. G. (2025). United Nations convention against transnational organized crime and the protocols thereto.

Athanasouli, D., & Goujard, A. (2015). Corruption and management practices: Firm level evidence. *Journal of Comparative Economics, 43*(4), 1014-1034.

Atkinson, D. (1978). From Communism to Nationalism? The Trajectory of "Post-Communist" Ideology in Afghanistan. *nd Hughes, Geraint."The Soviet–Afghan War, 1989*, 326-350.

Atta-Mensah, J. (2016). The valuation of corruption. *Journal of Mathematical Finance, 6*(05), 728.

Authority, A. A.-r. I., & Jirga, C. L. (2019). BONN AGREEMENT 2001.

Ayobi, M. (2022). Judicial Control of Public Administration in Afghanistan: A Contextual Analysis.

Bacud, S. A. D. (2020). Henri Fayol's principles of management and its effect to organizational leadership and governance. *Journal of Critical Reviews, 7*(11), 162-167.

Bak, M. (2019). *Corruption in Afghanistan and the role of development assistance*. JSTOR.

Balashov, R., Filipets, O., & Baimoldina, S. (2023). Recovery of stolen assets from abroad. *International Journal of Electronic Security and Digital Forensics, 15*(5), 456-467.

Barakat, S., & Ponzio, R. (2021). A Step-by-Step Roadmap for Action on Afghanistan. *CHS-Stimson Center Policy Brief. https://chs-doha. org/en/Publications/Documents/CHS-Stimson-% 20Policy% 20Brief*.

Barakat, S., & Ponzio, R. (2022). A Step-by-Step Roadmap for Action on Afghanistan. *CHS-Stimson Center Policy Brief. https://chs-doha. org/en/Publications/Documents/CHS-Stimson-% 20Policy% 20Brief*.

Barfield, T. (2018). Afghanistan's political history: Prospects for peaceful opposition. *Accord, 27*, 15-19.

Barfield, T. J. (2022). Afghanistan: A cultural and political history.

Barnard, C. (1998). The Principle of Equality in the Community Context: P, Grant, Kalanke and Marschall: Four Uneasy Bedfellows? *The Cambridge Law Journal, 57*(2), 352-373.

Barnett, L. (2007). *Afghanistan: The Rule of Law*. Library of Parliament, Parliamentary Information and Research Service.

Barr, H. (2024). The Taliban and the Global Backlash Against Women's Rights. *Georgetown Journal of International Affairs*.

Baryal, B., Patang, G., & Sharaf, S. (2022). Preventing Corruption in the Customs of Afghanistan. *Integrated Journal for Research in Arts and Humanities, 2*(6), 52-58.

Bateman, C. (2023). A Problem We Fueled: Learning Lessons from Corruption in Afghanistan. In *The Great Power Competition Volume 4: Lessons Learned in Afghanistan: America's Longest War* (pp. 15-35). Springer.

Beasley, E. (2017). *Restricting Freedoms: Limitations on the Individual in Contemporary America*. Routledge.

Becker, G. S. (1993). The economic way of looking at life.

Beckett, J. (2014). *Public management and the rule of law*. Routledge.

Benedetto Francesco, B. (2013). The reform of the Public Administration in Singapore: a model to follow in Italy?

Benson, K. (2025). From money laundering to illicit finance? The evolving 'AML'regulatory regimes for legal professionals in the UK and Australia. *Current Issues in Criminal Justice*, 1-19.

Bergin, J. (2024). The Relationship Between Electoral Integrity and Corruption.

Bertot, J. C., Jaeger, P. T., & Grimes, J. M. (2023). Using ICTs to create a culture of transparency: E-government and social media as openness and anti-corruption tools for societies. *Government information quarterly, 27*(3), 264-271.

Bertram, C. (2010). Jean Jacques Rousseau.

Betz, M., & Beighley, P. (2020). Fear, trauma and local journalists. *Journalist safety and self-censorship*, 148-163.

Bew, P. (2015). The Committee on Standards in Public Life: twenty years of the Nolan principles 1995–2015. *The Political Quarterly, 86*(3), 411-418.

Bewley-Taylor, D. (2013). Drug trafficking and organised crime in Afghanistan: Corruption, insecurity and the challenges of transition. *The RUSI Journal, 158*(6), 6-17.

Bewley-Taylor, D., Eventon, R., & Southwell, M. From Bad to Worse?

Bhambhri, C. (1978). Centralisation and Accountability. *Indian Journal of Public Administration, 24*(3), 733-742.

Bhat, P. I. (2020). Doctrinal legal research as a means of synthesizing facts, thoughts, and legal principles. *Idea and methods of legal research*, 88-91.

Biegelman, M. T., & Biegelman, D. R. (2010). *Foreign Corrupt Practices Act compliance guidebook: protecting your organization from bribery and corruption*. John Wiley & Sons.

Bingham, L. (2007). The rule of law. *The Cambridge Law Journal, 66*(1), 67-85.

Bingham, L. (2008). The Rule of Law and the Sovereignty of Parliament? *King's Law Journal, 19*(2), 223-234.

Birkinshaw, P. (2010). *Freedom of information: The law, the practice and the ideal*. Cambridge University Press.

Bisogno, E. (2010). *Corruption in Afghanistan: Bribery as reported by the victims*. DIANE Publishing.

Bisogno, E. (2022). *Corruption in Afghanistan: Bribery as reported by the victims*. DIANE Publishing.

Bjarnegård, E., & Donno, D. (2024). Window-dressing or window of opportunity? Assessing the advancement of gender equality in autocracies. *Politics & Gender, 20*(1), 229-234.

Bjelica, J. (2019). Afghanistan's Anti-Corruption Institutions: Too many, and with too few results. *Afghanistan Analysts Network*.

Boex, J., Buencamino, G., & Kimble, D. (2022). *An Assessment of Afghanistan's Municipal Governance Framework*. Urban Institute Center on International Development and Governance.

Bongiovanni, G., Sartor, G., & Valentini, C. (2009). *Reasonableness and law* (Vol. 86). Springer Science & Business Media.

Boone, J. (2010). Hamid Karzai admits office gets' bags of money'from Iran. *The Guardian, 25*.

Bouzid, B. N. (2016). Dynamic relationship between corruption and youth unemployment: empirical evidences from a system GMM approach. *World Bank Policy Research Working Paper*(7842).

Bovis, C. (2009). The effects of the principles of transparency and accountability on public procurement and public-private partnerships regulation. *European Public Private Partnership Law Review, 4*(1), 7-25.

Bozhenko, V., Boyko, A., & Voronenko, I. (2022). Corruption as an Obstacle of Sustainable Development. PRIZK International Conference-Novel Insights in the Leadership in Business and Economics After the COVID-19 Pandemic,

Braithwaite, R. (2022). 2. Afghanistan: Learning from History? *fghanistan*, 15.

Brinkerhoff, D. W. (2010). Unpacking the concept of political will to confront corruption. *U4 Brief*.

Brookes, M. (2014). BRIBERY AND CORRUPTION RISKS AND STRATEGIES FOR NEW ZEALAND BUSINESSES OPERATING OVERSEAS.

Brooks, C., & Trebilcock, C. (2017). Fighting for Legitimacy in Afghanistan: The Creation of the Anti-Corruption Justice Center. *Prism, 7*(1), 108-117.

Brown, F. Z. (2021). *Aiding Afghan Local Governance: What Went Wrong?* Carnegie endowment for international peace.

Budsaratragoon, P., & Jitmaneeroj, B. (2024). A critique on the Corruption Perceptions Index: An interdisciplinary approach. *Socio-Economic Planning Sciences, 70*, 100768.

Buick, T. L. (2011). *The Treaty of Waitangi: How New Zealand Became a British Colony*. Cambridge University Press.

Bulgrin, C. (2020). *When Aid Replaces Ideology: Corruption as a Hegemonic Device in Post-Taliban Afghanistan* The Ohio State University].

Burbules, N. C. (2021). Meritocracy. In *Oxford Research Encyclopedia of Education*.

Callen, M., & Long, J. D. (2015). Institutional corruption and election fraud: Evidence from a field experiment in Afghanistan. *American Economic Review, 105*(1), 354-381.

Cane, P., Hofmann, H. C., Ip, E. C., & Lindseth, P. L. (2020). *The Oxford handbook of comparative administrative law*. Oxford University Press.

Canefe, N. (2022). Afghanistan and its futures. *International Migration, 60*(1), 262-267.

Canton, H. (2021a). Asia-Pacific Economic Cooperation—APEC. In *The Europa Directory of International Organizations 2021* (pp. 436-443). Routledge.

Canton, H. (2021b). United Nations Office on drugs and crime—UNODC. In *The Europa Directory of International Organizations 2021* (pp. 240-244). Routledge.

Caplan, D. (1999). Internal controls and the detection of management fraud. *Journal of Accounting Research, 37*(1), 101-117.

Cappelen, A. W., Mollerstrom, J., Reme, B.-A., & Tungodden, B. (2022). A meritocratic origin of egalitarian behaviour. *The Economic Journal, 132*(646), 2101-2117.

Carroll, P., & Kellow, A. (2021). *The OECD: A decade of transformation: 2011–2021*. Walter de Gruyter GmbH & Co KG.

Caserta, M., Ferrante, L., & Reito, F. (2022). Bribes and bureaucracy size: The strategy of watering down corruption. *Economica, 89*(353), 191-213.

Ceccarelli, A. (2007). Clans, politics and organized crime in Central Asia. *Trends in Organized Crime, 10*, 19-36.

Center, T. N. W. (2021). *The Fraud Triangle* [Knowledge Bulding]. https://doi.org/12

Cerrillo-i-Martínez, A., & Ponce, J. (2017). Preventing corruption and promoting good government and public integrity.

Chemerinsky, E. (2019). *Constitutional law: principles and policies*. Aspen Publishing.

Cheong, B. C. (2022). Judiciary and Law Enforcement in Singapore Inc. *Singapore Policy Journal*.

Chhetri, P. (2021). Library Management with Fayol's 14 Principles: Practical Insights.

Chiti, E. (1998). Case T-105/95, WWF UK (World Wide Fund for Nature) v. EC Commission, Judgment of the Court of First Instance of 5 March 1997,[1997] ECR II-313. *Common Market Law Review, 35*(1).

Chu, X., Ilyas, I. F., Krishnan, S., & Wang, J. (2016). Data cleaning: Overview and emerging challenges. Proceedings of the 2016 international conference on management of data,

Chung, O. C. (1975). The 1959 Singapore general election. *Journal of Southeast Asian Studies, 6*(1), 61-86.

Cifaldia, G. (2018). Corruption as a social problem. *Global Research Publishing House• Stockton• California*, 77.

Clark, K. (2018). Graft and Remilitarisation: A look back at efforts to disarm, demobilise, reconcile and reintegrate. *Afghanistan Analysts Network. https://www. afghanistan-analysts. org/en/reports/war-and-peace/graft-and-remilitarisation-a-look-back-at-efforts-to-disarm-demobilise-reconcile-and-reintegrate*.

Clark, R. S. (2004). The United Nations Convention against transnational organized crime. *Wayne L. Rev., 50*, 161.

Coglianese, C. (2015). Administrative law: the US and Beyond. *International Encyclopedia of Social & Behavioral Sciences (James D. Wright ed., 2d ed. 2015)., U of Penn Law School, Public Law Research Paper*(16-20).

Colaco, N. (2008). Crooked progress: Afghanistan tackles corruption. *Harvard International Review, 30*(3), 12.

Coleman, P. J. (1987). *Progressivism and the world of reform: New Zealand and the origins of the American welfare state*. University Press of Kansas.

Commons, J. R. (2024). Law and economics. In *Law and Economics Vol 1* (pp. 432-444). Routledge.

Compact, A. (2006). The Afghanistan compact. Building on Success: The London Conference on Afghanistan, January,

Congleton, R. D., Hillman, A. L., & Konrad, K. A. (2008). Forty years of research on rent seeking: an overview. *The Theory of Rent Seeking: Forty Years of Research, 1*, 1-42.

Connal, C. (2017). Legitimate expectation as a ground for judicial review. *Pinsent Masons, 16*.

Cook, P. J., Machin, S. J., Marie, O., & Mastrobuoni, G. (2012). Lessons from the economics of crime. *Lessons from the Economics of Crime'in Lessons from the Economics of Crime, edited by PJ Cook, SJ Machin, O. Marie, and G. Mastrobuoni, MIT Press, Forthcoming*.

Coonrod, S. (1977). United Nations Code of Conduct for Transnational Corporations, The. *Harv. Int'l. LJ, 18*, 273.

Coordination, J., & Board, M. (2006). Implementation of the Afghanistan Compact. *Bi-Annual Joint Coordination and Monitoring Board (JCMB) Report. November. http://www. a-acc. org/docs/JCMBBi-Annual ReportNov2006English. pdf*.

Corry, J. A. (1935). Administrative Law and the Interpretation of Statutes. *U. Toronto LJ, 1*, 286.

Cotton, C., Gifford, J., & Young, J. (2022). Incentives and recognition: An evidence review. *The Journal of Total Rewards, 31*(2), 19-14.

Craig, P., & Feldman, D. (2009). Fundamental principles of administrative law. *English Public Law*.

Crawford, C. (1982). Estoppel in Public Law. The Final Nail in the Coffin? *The Modern Law Review, 45*(1), 87-91.

Crawley, H., & Kaytaz, E. S. (2022). Between a rock and a hard place: Afghan migration to Europe from Iran. *Social Inclusion, 10*(3), 4-14.

Curtin, D., & Wessel, R. A. (2005). *Good governance and the European Union: reflections on concepts, institutions and substance* (Vol. 49). Intersentia nv.

Cyrus, S. A. (2014). *The Major Crimes Task Force-Afghanistan: a case study and examination of implications for future FBI capacity building programs* Monterey, California: Naval Postgraduate School].

Dabán, S. T. (2013). Public financial management in natural resource-rich countries. In *Public financial management and its emerging architecture*. International Monetary Fund.

Dawi, A. (2023). Can The Taliban Tackle Corruption in Afghanistan. *Voice of America*.

Dawi, A. (2025). Can the Taliban Tackle Corruption in Afghanistan?[online], 2023. 01. 31. *Forrás: Voice of America [2023. 11. 25]*.

de La Serre, E. B. (2006). Procedural justice in the European Community case-law concerning the rights of the defence: essentialist and instrumental trends. *European Public Law, 12*(2).

De Lauri, A. (2013a). Corruption, legal modernisation and judicial practice in Afghanistan. *Asian Studies Review, 37*(4), 527-545.

De Lauri, A. (2013b). Law in Afghanistan: A critique of post-2001 reconstruction. *Journal of Critical Globalization Studies*.

Deák, D. (2008). Neutrality and legal certainty in tax law and the effective protection of taxpayers' rights. *Acta Juridica Hungarica, 49*(2), 177-201.

Denhardt, R. B., & Catlaw, T. J. (1984). Theories of public organization. *(No Title)*.

dewi Saraswati, P., Saputra, H. E., & IS, T. H. (2025). Administrative Management Evaluation Of Bengkulu City Transportation Agency In The Management Of Traffic Signs And Road Markings. *Jurnal Multidisiplin, 2*(2), 93-100.

Di Vita, G. (2011). Curbing corruption in Public Administration: a case study from Italy. *International Journal of Public Administration, 34*(10), 631-645.

Di Vita, G. (2021). Political corruption and legislative complexity: Two sides of same coin? *Structural Change and Economic Dynamics, 57*, 136-147.

Dipierro, A. R., & Rella, A. (2024). What lies behind perceptions of corruption? A cultural approach. *Social Indicators Research, 172*(2), 371-391.

Dobson, H. (2024). The G20 and its position within global governance. In *Unpacking the G20* (pp. 10-34). Edward Elgar Publishing.

Dong, B., & Torgler, B. (2013). Causes of corruption: Evidence from China. *China Economic Review, 26*, 152-169.

Dorminey, J. W., Fleming, A. S., Kranacher, M.-J., & Riley Jr, R. A. (2010). Beyond the fraud triangle. *The CPA Journal, 80*(7), 17.

Dorotinsky, W., & Pradhan, S. (2007). Exploring corruption in public financial management. *The many faces of corruption: Tracking vulnerabilities at the sector level*.

Dreher, A., & Gassebner, M. (2013). Greasing the wheels? The impact of regulations and corruption on firm entry. *Public Choice, 155*, 413-432.

Drugs, U. N. O. o. (2004). *United Nations convention against corruption*. UN.

Dunbar, C. (1987). Afghanistan in 1986: The balance endures. *Asian Survey, 27*(2), 127-142.

Duncan, W. R. (2019). Yugoslavia's Break-up. In *Ethnic Nationalism And Regional Conflict* (pp. 19-51). Routledge.

Dupuy, K. (2018). Functionalist and rational choice theories of corruption. *Bergen, Norway: U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute*.

Dutta, N., & Roy, S. (2016). The interactive impact of press freedom and media reach on corruption. *Economic Modelling, 58*, 227-236.

Dyzenhaus, D., Hunt, M., & Taggart, M. (2001a). The principle of legality in administrative law: internationalisation as constitutionalisation. *Oxford U. Commw. LJ, 1*, 5.

Dyzenhaus, D., Hunt, M., & Taggart, M. (2001b). The Principle of Legality in Administrative Law: Internationalisation as Constitutionalisation. *Oxford University Commonwealth Law Journal, 1*(1), 5-34.

Edwards, J. (2024). Legal imperfectionism. *Jurisprudence, 15*(3), 282-306.

Edwards, R. (2018). An elaboration of the administrative theory of the 14 principles of management by Henri Fayol. *International Journal for Empirical Education and Research, 1*(1), 41-51.

Ehler, R. L., Espinosa, E., Farrington, J., Ledeen, G., Lewis, D., & Jensen, E. G. (2015). *An introduction to the constitutional law of Afghanistan*. Stanford Law School.

Ekins, R., & Gee, G. (2021). Reforming the Lord Chancellor's Role in Senior Judicial Appointments. *Policy Exchange, 22*.

Eliasberg, W. (1951). Corruption and bribery. *J. Crim. L. Criminology & Police Sci., 42*, 317.

Elliesie, H. (2010). Rule of law in Afghanistan.

Endicott, T. (2021). *Administrative law*. Oxford University Press.

English, W. (2013). Institutional corruption and the crisis of liberal democracy. *Edmond J. Safra Working Papers*(15).

Enright, C. (2001). *Federal administrative law*. Federation Press.

Enste, D., & Heldman, C. (2017). Causes and consequences of corruption: An overview of empirical results.

Eztarabi, M., Sinaee, V., & Mohaghar, A. (2025). Democratization in Afghanistan (2001–2021): Structural Challenges and the Collapse of Democratic Governance.

Fahed-Sreih, J. (2023). *Corruption: New Insights*. BoD–Books on Demand.

Faiez, N. (2022). Judicial Oversight on Administrative Decisions in Afghanistan. *Administrative and Environmental Law Review, 3*(2), 129-144.

Fan, C. S., Lin, C., & Treisman, D. (2010). *Embezzlement versus bribery*.

Faqiryar, W. N. (2022). Artificial Intelligence-based SMS Voting in Afghanistan: Past and Future Prospects.

Farasoo, A. (2025). The complex context of proxy war in Afghanistan. In *Proxy war in Afghanistan* (pp. 44-68). Manchester University Press.

Farivar, M. (1999). Dateline Afghanistan: Journalism under the Taliban. *New York: Committee to Protect Journalists*.

Farrales, M. J. (2005). What is corruption?: A history of corruption studies and the great definitions debate. *A History of Corruption Studies and the Great Definitions Debate (June 2005)*.

Fayol, H. Principles of management. *General and Industrial Management*.

Fayol, H. (1999). Administration industrielle et générale (1916). *Dunod, Paris*.

Fayol, H. (2016). *General and industrial management*. Ravenio Books.

Fazli, F. H. (2022). The Law-making Process in the Legal System of Afghanistan. *American Journal of Law and Political Science, 1*(2), 21-28.

Fellows, J. (2016). Council of Civil Service Unions v Minister for the Civil Service [1985] 1 AC 374. *Res Judicata: contemporary issues in administrative and public law, 16*.

Felter Jr, E. L. (2010). Accountability in the Administrative Law Judiciary: The Right and the Wrong Kind. *J. Nat'l Ass'n Admin. L. Judiciary, 30*, 19.

Ferrada Bórquez, J. C. (2007). Las potestades y privilegios de la Administración Pública en el régimen administrativo chileno. *Revista de derecho (Valdivia), 20*(2), 69-94.

Fields, A. (2015). A Few Reflections and Lessons Learned: Afghanistan Reconstruction and Public Accountability. *RUMLAE Research Paper*(16-03).

Filkins, D., & Rubin, A. (2010). Graft-Fighting Prosecutor Fired in Afghanistan. *The New York Times, 29*.

Fitrat, A. Q. (2022). *The Tragedy of Kabul Bank*. Page Publishing Inc.

Flatters, F., & MacLeod, W. B. (1995). Administrative corruption and taxation. *International Tax and Public Finance, 2*, 397-417.

Flèche, S. (2015). Distaste for centralization: evidence from a quasi-natural experiment in Switzerland.

Foran, M. (2022). The cornerstone of our law: Equality, consistency and judicial review. *The Cambridge Law Journal, 81*(2), 249-272.

Forsyth, C. F. (1988). The provenance and protection of legitimate expectations. *The Cambridge Law Journal, 47*(2), 238-260.

Fund, I. M. (2000). The world economy in the twentieth century: Striking developments and policy lessons. *World Economic Outlook*, 149-180.

García, J. C. M. (2013). The 'other'administration: Patronage, factions, and informal networks of power in ancient Egypt. In *Ancient Egyptian Administration* (pp. 1029-1065). Brill.

Gardizi, M., Hussmann, K., & Torabi, Y. (2010). Corrupting the State? Or State-Crafted Corruption. *Kabul: Afghanistan Research and Evaluation Unit*.

Geddis, A. (2016). Parliamentary government in New Zealand: Lines of continuity and moments of change. *International Journal of Constitutional Law, 14*(1), 99-118.

George, B. (2020). The Kabul to Dubai pipeline: lessons learned from the Kabul Bank scandal. *Dubai's role in facilitating corruption and global illicit financial flows. Carnegie Endowment for International Peace, Washington, DC*, 85-93.

Gertz, K. A., & Volkema, R. J. (2001). Culture, perceived corruption, and economics. *Business and Society, 40*(1).

Ghiasy, R., Zhou, J., & Hallgren, H. (2015). *Afghanistan's Private Sector: Status and ways forward*. SIPRI.

Ghorzang, S. (2020). History of freedom of the press and current barriers in Afghanistan. *International Journal of Advanced Mass Communication and Journalism, 1*(2), 11-14.

Goldfinch, S. F. (2023). New Zealand: reunifying the state and the (really, truly, this time) death of the New Zealand Model? In *Handbook of Public Administration Reform* (pp. 351-372). Edward Elgar Publishing.

Gong, T., & Wang, D. (2024). Value co-creation in fighting corruption: evidence from New Zealand *Global Public Policy and Governance, 4*(3), 254-272.

Gooch, D. M., & Wofford, P. E. (2017). Is Neutrality a Feature or a Bug? Delegation, Discretion, and the Democratic Implications of Administrative Law in a Polarized Institutional Environment. *Administrative Theory & Praxis, 39*(4), 292-312.

Gorodnichenko, Y., & Peter, K. S. (2007). Public sector pay and corruption: Measuring bribery from micro data. *Journal of Public economics, 91*(5-6), 963-991.

Gould, D. J., & Amaro-Reyes, J. A. (2012). *The effects of corruption on administrative performance: illustrations from development countries*.

Governance, L. (2011). Accountability. *Buckingham: Open*.

Graham-Harrison, E. (2020). Ghani Declared Winner of Afghan Electionbut Opponent Rejects Result. *The Guardian, 19*.

Graycar, A. (2015). Corruption: Classification and analysis. *Policy and Society, 34*(2), 87-96.

Greenberg, T. S., Samuel, L. M., Grant, W., & Gray, L. (2009). Stolen Asset Recovery. *Politically Exposed Persons. A Policy Paper on Strengthening Preventive Measures. Washington, Stolen Asset Recovery (StAR) Initiative, The World Bank, The UN*.

Gregory, R. (2021). Governmental corruption and social change in New Zealand: Using Scenarios, 1950–2020. *Asian Journal of Political Science, 14*(2), 117-139.

Gregory, R., & Zirker, D. (2013). Clean and green with deepening shadows? A non-complacent view of corruption in New Zealand. In *Different Paths to Curbing Corruption* (pp. 109-136). Emerald Group Publishing Limited.

Gregory, R., & Zirker, D. (2017). Corruption in New Zealand: a case of reputational erosion? In *The Changing Face of Corruption in the Asia Pacific* (pp. 149-166). Elsevier.

Gregory, R., & Zirker, D. (2022). Historical corruption in a 'non-corrupt'society: Aotearoa New Zealand. *Public Administration and Policy, 25*(2), 150-162.

Gross, E. (2009). *Security Sector Reform in Afghanistan: the EU's contribution* (Vol. 78). European Union Institute for Security Studies Paris.

Grote, R. (2004). Separation of Powers in the New Afghan Constitution. *Heidelberg Journal of International Law, 64*(1), 897-907.

Gründler, K., & Potrafke, N. (2019). Corruption and economic growth: New empirical evidence. *European Journal of Political Economy, 60*, 101810.

Guelke, A. (2006). Terrorism and global disorder.

Gumisiriza, P., & Mukobi, R. (2024). Anti-corruption institutional multiplicity. *Journal of Management and Public Policy Studies, 15*(1), 91-108.

Gupta, D., Chhetri, K., & Gupta, V. (2014). Henry Fayol and Frederick W. Taylor‘s contribution to management: An overview ‘. *International Journal of Innovative Research in Technology, 1*(6), 1192-1195.

Gupta, S., Davoodi, H., & Alonso-Terme, R. (2002). Does corruption affect income inequality and poverty? *Economics of governance, 3*, 23-45.

Habaza, H. S. S., Hagras, H. R., Elsabahy, H. E., Saleh, M. S. M., Dailah, H. G., Hendy, A., & Shobaili, H. A. (2025). Authority, favoritism, and fairness: how paternalistic leadership and nepotism shape nurses' perceptions of justice. *BMC nursing, 24*(1), 1348.

Habib, S. (2013). Local Government in Afghanistan: How it works and main challenges. *21th Nispacee annual confernce, 21*(1), 1-16.

Haider, H. (2019). Merit-based recruitment in the public sector: effectiveness and challenges.

Hakimi, M. J. (2021). The Judiciary and the Rule of Law in Afghanistan. *Judicature, 105*, 24.

Hakimi, M. J., Alekseyeva, K., Birndorf, S., DeMott, J., Galvin, S., Perez-Sangimino, J. P., Rangchi, T., & Talent, M. (2017). An Introduction to the Laws of Afghanistan.

Hall, J. (2010). *General principles of criminal law*. The Lawbook Exchange, Ltd.

Halliday, F., & Tanin, Z. (1998). The communist regime in Afghanistan 1978–1992: Institutions and conflicts. *Europe-Asia Studies, 50*(8), 1357-1380.

Hamada, B. I., Abdel-Salam, A.-S. G., & Elkilany, E. A. (2019). Press freedom and corruption: An examination of the relationship. *Global Media and Communication, 15*(3), 303-321.

Hamidi, F., & Jayakody, A. (2015). Separation of Powers under the Afghan Constitution: A case study. *Kabul: Afghanistan Research and Evaluation Unit, 16*.

Hamidi, S., & Zh, A. L. The Consequences Of Withdrawal Of International Forces From Afghanistan (Afghan Peace Process). *Абылай хан атындағы ҚазХҚжӘТУ*, 55.

Han, T. C. (1990). The General Exception of Necessity under the Singapore Penal Code. *Malaya L. Rev., 32*, 271.

Haque, M. S. (2009). Public administration and public governance in Singapore. *Public administration and public governance in ASEAN and Korea*, 246-271.

Harlow, C. (2006). Global administrative law: the quest for principles and values. *European journal of international law, 17*(1), 187-214.

Harris, J. (2000). Lord Nolan of Brasted. *Amicus Curiae*, 3-3.

Hashimy, S. Q. (2023). Tracing the History of the Legal System in Afghanistan. *Available at SSRN 4352525*.

Hassan, O. (2023). Afghanistan: Lessons learnt from 20 years of supporting democracy, development and security. *Bruxelas, Bélgica: Directorate General for External Policies of the Union*.

Hawke, N. (2013). *Introduction to administrative law*. Routledge-Cavendish.

Hayes, R. B., Dosemeci, M., Wacholder, S., Travis, L. B., Rothman, N., Hoover, R. N., Linet, M. S., Yin, S.-N., Li, G.-L., & Li, C.-Y. (1997). Benzene and the dose-related incidence of hematologic neoplasms in China. *Journal of the National Cancer Institute, 89*(14), 1065-1071.

Herlitz, N. (1953). Swedish Administrative Law. *International & Comparative Law Quarterly, 2*(2), 224-237.

Hikmat, C. A., & Ahmadi, R. (2023). The Impact of University Closures on Students' Motivation After the Fall of the Afghan Government by the Taliban.

Hildebrandt, M. (2019). 3. Domains of Law: Private, Public, and Criminal Law. *Law for Computer Scientists*.

Hin, K. T. (2013a). Corruption control in Singapore. *Tokyo: United Nations Asia and Far East Institute for the Prevention of Crimes and the Treatment of Offenders*.

Hin, K. T. (2013b). Corruption control in Singapore. *Tokyo: United Nations Asia and Far East Institute for the Prevention of Crimes and the Treatment of Offenders*, 122-131.

Hin, K. T. (2020). Corruption control in Singapore. *Tokyo: United Nations Asia and Far East Institute for the Prevention of Crimes and the Treatment of Offenders*.

Holcombe, R. G., & Boudreaux, C. J. (2015). Regulation and corruption. *Public Choice, 164*, 75-85.

Hollyer, J. (2011). Is it better to empower the people or the authorities. *Assessing the conditional effects of "top-down" and "bottom-up" anti-corruption interventions in D. Serra and L. Wantchekon (eds.), New Advances in Experimental Research on Corruption (Research in Experimental Economics, Vol. 15*.

Hor, M. (2018). The Independence of the Criminal Justice System in Singapore. *Singapore Journal of Legal Studies*, 497-513.

House, F. (2014). Media Freedom Hits a Decade Low. *Washington, DC: Freedom House. URL: https://freedomhouse. org/report/freedom-press/2014/media-freedom-hits-decade-low. Date of application, 10*, 2024.

Hox, J. J., & Boeije, H. R. (2005). Data collection, primary versus secondary.

Huang, S. Y., Lin, C.-C., Chiu, A.-A., & Yen, D. C. (2017). Fraud detection using fraud triangle risk factors. *Information Systems Frontiers, 19*(6), 1343-1356.

Huberts, L., & van Montfort, A. (2021). Ethics, corruption, and integrity of governance: What it is and what helps. In *Oxford Research Encyclopedia of Politics*.

Hudson, S., González-Gómez, H. V., & Claasen, C. (2022). Societal inequality, corruption and relation-based inequality in organizations. *Journal of Business Ethics*, 1-21.

Hughes, G. (2008). The Soviet–Afghan War, 1978–1989: An Overview. *Defence Studies, 8*(3), 326-350.

Huia, A. T. (2014). Indigenous culture and society: Creating space for Indigenous Māori cultural and linguistic development within a discriminatory post-colonial society. *Psychology and Developing Societies, 26*(2), 233-261.

Hustedt, T., & Salomonsen, H. H. (2018). From neutral competence to competent neutrality? Revisiting neutral competence as the core normative foundation of Western bureaucracy. In *Bureaucracy and society in transition: Comparative perspectives* (pp. 69-88). Emerald Publishing Limited.

Hutchinson, T., & Duncan, N. (2012). Defining and describing what we do: doctrinal legal research. *Deakin law review, 17*(1), 83-119.

Hutchinson, T., & Duncan, p. (2012). Defining and describing what we do: doctrinal legal research. *Deakin law review, 17*(1), 83-119.

Huther, J., & Shah, A. (2020). *Anti-corruption policies and programs: A framework for evaluation* (Vol. 2501). World Bank Publications.

Hutton, R. H. L. (2004). Reasonableness and the common law. *Northern Ireland Legal Quarterly, 55*(3), 242-258.

Ibrahim, A. (2021). Explainer: The Taliban and Islamic law in Afghanistan. *Al Jazeera, 23*.

Ibrahimi, S. Y. (2023). State fragility trap and conflict in Afghanistan (2001-2021). In *Handbook of Fragile States* (pp. 285-298). Edward Elgar Publishing.

Impact, I. C. f. A. (2024). *DFID's Approach to Anti-corruption and Its Impact on the Poor*. Independent Commission for Aid Impact.

International, T. (2021). The ABCs of the CPI: How the corruption perceptions index is calculated. *Transparency International Org*.

Isaksen, J. (2005). The budget process and corruption. *U4 Issue, 2005*(3).

Isaksen, J. (2019). The budget process and corruption. *U4 Issue, 2005*(3).

Jackson, D. (2022). Building anti-corruption resilience to combat entrenched corruption systems. *U4 Issue*.

Jackson, M. (2003). *Criminal Law in Hong Kong*. Hong Kong University Press.

Jamshidi, A., & Petoft, A. (2016). Citizens'rights In The Light Of Modern Administrative Procedures.

Jarman, R. L. (2014). *Annual Reports of the Straits Settlements, 1855-1941*. Archive Editions.

Jecker, N. S., & Schneiderman, L. J. (1992). Futility and rationing. *The American journal of medicine, 92*(2), 189-196.

Jin-Wei, S. (1999). Corruption in Economic Development. The World Bank. *Development Research Group*.

Johnson, T. (2021). The 2019 afghan presidential election: An assessment of problematic processes and results. *Afghanistan, 4*(1), 19-46.

Johnson, T. H. (2018). The myth of Afghan electoral democracy: the irregularities of the 2014 presidential election. *Small Wars & Insurgencies, 29*(5-6), 1006-1039.

Johnston, A., & Lawson, A. (2000). Settler colonies. *A companion to postcolonial studies, 360*.

Johnston, K. (2004). The Treaty of Waitangi. *NZL Rev.*, 613.

Johnston, M. (2023). *Corruption, contention and reform: The power of deep democratization*. Cambridge University Press.

Joutsen, M. (2011). 16 The United Nations Convention Against Corruption. *Handbook of global research and practice in corruption*, 303.

Justesen, M. K., & Bjørnskov, C. (2014). Exploiting the poor: Bureaucratic corruption and poverty in Africa. *World Development, 58*, 106-115.

Kahn, T., & Zimbalist, Z. (2022). How do local public spending decisions shape corruption perceptions? Evidence from Mexico. *Latin American Politics and Society, 64*(3), 67-92.

Kamali, M. H. (2003). *Law in Afghanistan: A study of the constitutions, matrimonial law and the judiciary* (Vol. 36). Brill.

Kamali, M. H. (2009). Afghanistan's Constitution 2004: An Islamic Perspective on Interpretation. *Washington, DC: United States Institute of Peace, 5*.

Kamtekar, I. (2016). The Wartime Paternity of India's 'Licence-Permit Raj'. Proceedings of the Indian History Congress,

Kantorowicz, H. (2014). *The definition of law*. Cambridge University Press.

Kassa, S. (2023). Behavioural influences on attitudes towards petty corruption. *Basel: Basel Institute of Governance*.

Kassem, R., & Higson, A. (2012). The new fraud triangle model. *Journal of emerging trends in economics and management sciences, 3*(3), 191-195.

Katzman, K. (2020). *Afghanistan: Politics, elections, and government performance*. Congressional Research Service Washington, DC.

Kaufmann, D. (2015). Corruption matters. *Finance & Development, 52*(3), 20-23.

Kawedar, W., Handayani, R. S., & Handayani, S. (2025). Perceptions of corruption by perpetrators: An empirical analysis of the fraud triangle and attribution theories. *Problems and Perspectives in Management, 23*(1), 515-527.

Kazmierski, V. (2014). How much "law" in Legal Studies? Approaches to teaching legal research and doctrinal analysis in a Legal Studies program. *Canadian Journal of Law and Society/La Revue Canadienne Droit et Société, 29*(3), 297-310.

Khalvatgar, A. M. (2014). Freedom of Expression Under Threat in Afghanistan? *Stability: International Journal of Security and Development, 3*(1), 38-38.

Khan, H. M. (2015). *Islamic Law, Customary Law, and Afghan Informal Justice*. JSTOR.

Khan, M., Khan, N., & Ahmed, S. (2012). Connotation of corruption: Causes and effects. *Universal Journal of Management and Social Sciences, 2*(6), 36-50.

Kheladze, B., & Zahir, N. (2024). Corruption Issues in Afghanistan: How Did Corruption Enable the Taliban to Gain Control in Afghanistan? *Confluences Méditerranée, 129*(2), 125-138.

Khodapanah, M., Shabani, Z. D., Akbarzadeh, M. H., & Shojaeian, M. (2022). Spatial spillover effects of corruption in Asian countries: Spatial econometric approach. *Regional Science Policy & Practice, 14*(4), 699-718.

Kingi, T. (2008). Maori landownership and land management in New Zealand. *Making land work, 2*, 129-151.

Kingsbury, B. (2009). The concept of 'law'in global administrative law. *European journal of international law, 20*(1), 23-57.

Kippin, S., & Pyper, R. (2025). Scrutiny of ministerial ethics and standards of conduct in the UK: diluted accountability? *Public Money & Management, 45*(2), 129-138.

Klitgaard, R. (1991). *Controlling corruption*. Univ of California Press.

Koeswayo, P. S., Handoyo, S., & Abdul Hasyir, D. (2024). Investigating the relationship between public governance and the corruption perception index. *Cogent Social Sciences, 10*(1), 2342513.

Koh, T. T. B., Auger, T., Yap, J., & Ng, W. C. (2006). Singapore: the encyclopedia. *(No Title)*.

Kondratovich, A., & Sidiuk, V. (2023). Features of doing business in New Zealand.

Kondro, W. (2010). Afghanistan's" cancer of corruption". *Canadian Medical Association. Journal, 182*(4), E209.

Köpping Athanasopoulos, H., & Köpping Athanasopoulos, H. (2020). Neofunctionalism in Theory and Practice. *EU Migration Management and the Social Purpose of European Integration: The Spillover of Misery*, 13-41.

Kornienko, M., & Tertyshnyk, V. (2021). Anti-corruption: strategy and practice. *Probs. Legality, 152*, 87.

Kotokey, A., & Borthakur, A. (2021). The ideological trajectory within the Taliban movement in Afghanistan. *Asian Journal of Middle Eastern and Islamic Studies, 15*(2), 205-219.

Krahmann, E., & Friesendorf, C. (2014). *Undermining human security: private security companies, the APPF, Militias and Auxiliary Police in Afghanistan* (Vol. 128). DEU.

Kramer, M. H. (2004). On the moral status of the rule of law. *The Cambridge Law Journal, 63*(1), 65-97.

Kratcoski, P. C. (2018). Introduction: Overview of major types of fraud and corruption. *Fraud and corruption: Major types, prevention, and control*, 3-19.

Kryvoi, Y. (2021). Private or public adjudication? Procedure, substance and legitimacy. *Leiden Journal of International Law, 34*(3), 681-703.

Książek, D. (2021). Zasady prawa. *Roczniki Administracji i Prawa, 21*(Zeszyt Specjalny I).

Kubbe, I., Hogic, N., & Siegel, J. (2025). *" The Ghost Soldier Trap": How Corruption Undermines Security and Stability*.

Kurer, O. (2005). Corruption: An alternative approach to its definition and measurement. *Political Studies, 53*(1), 222-239.

Kuru, D. (2022a). From Ancient Times to Modern World: Corruptus.

Kuru, D. (2022b). Perspective Chapter: From Ancient Times to Modern World–Corruptus. In *Corruption-New Insights*. IntechOpen.

Kutlu, L., & Mao, X. (2023). The effect of corruption control on efficiency spillovers. *Journal of Institutional Economics*, 1-15.

Lammasniemi, L. (2021). *Law dissertations: A step-by-step guide*. Routledge.

Lange, S. (2016). The Scottish character and identity of the Presbyterian tradition in New Zealand: from almost pervasive to barely remembered. *Scottish Church History, 45*(1), 117-131.

Latour, B. (2010). *The making of law: An ethnography of the Conseil d'Etat*. Polity.

Lau, M. (2002). *Afghanistan's legal system and its compatibility with international human rights standards*. International Commission of Jurists Geneva.

Lau, M. (2003). Islamic law and the Afghan legal system.

Leak, T. A. (1999). The experience of Singapore in combating corruption. *Curbing Corruption, 24*, 59-66.

Lee, D. S., Meyer-Sahling, J.-H., & Park, S. (2023). Learning effects of anti-corruption reform in public organisations: explanations from social psychological theory. *Public Management Review*, 1-22.

Leung, L. (2015). Validity, reliability, and generalizability in qualitative research. *Journal of family medicine and primary care, 4*(3), 324-327.

Lim, C. (2004). The Singapore Constitution and Its Critics. *Denning LJ, 17*, 63.

Lim, C. (2021). *Gender equality: the time has come*. World Scientific.

Lim, V. (2018). An overview of singapore's anti-corruption strategy and the role of the cpib in fighting corruption. *20th UNAFEI UNCAC Training Programme Visiting Experts' Papers*, 92-98.

Lin, L. S. (2023). Asian Organized Crime in New Zealand: Perception, Institutions, and Policy Responses. In *Asian Organized Crime and the Anglosphere* (pp. 117-132). Springer.

Lindbeck, A. (1998). *Swedish lessons for post-socialist countries*. IIES.

Lindner, S. (2013). Salary top-ups and their impact on corruption. *U4 Expert Answer, 398*.

Lindseth, P. (2020). 'Always Embedded'Administration: The Historical Evolution of Administrative Justice as an Aspect of Modern Governance. In *The Economy as a Polity: The Political Constitution of Contemporary Capitalism* (pp. 117-135). Routledge.

Linos, K., & Carlson, M. (2017). Qualitative methods for law review writing. *U. Chi. L. Rev., 84*, 213.

Lipson, L. (2024). *The politics of equality*. Victoria University Press.

Lister, S. (2024). Understanding state-building and local government in Afghanistan.

Liu, W., & Liu, Y. (2022). The impact of incentives on job performance, business cycle, and population health in emerging economies. *Frontiers in public health, 9*, 778101.

Liu, X. (2016). A literature review on the definition of corruption and factors affecting the risk of corruption. *Open Journal of Social Sciences, 4*(6), 171-177.

Lobingier, C. S. (1940). Historical Background of Administrative Law: The Inquest Procedure. *Notre Dame Law., 16*, 29.

Long, J. (2002). The Chew Swee Kee affair revisited: querying the American involvement in Singapore. *South East Asia Research, 10*(2), 217-239.

Lynn, L. E. (2011). The persistence of hierarchy. *The SAGE handbook of governance*, 218-236.

Macagno, F. (2010). Definitions in law. *Bulletin suisse de linguistique appliquée, 2*, 199-217.

Makower, A., & Smyth, L. L. (2020). Law reform bills in the Parliament of the United Kingdom. *Eur. JL Reform, 22*, 164.

Malejacq, R. (2016). Warlords, intervention, and state consolidation: A typology of political orders in weak and failed states. *Security Studies, 25*(1), 85-110.

Malena, C. (2009). *From political won't to political will: Building support for participatory governance*. Kumarian Press.

Maley, W. (2002). The Rise and Rule of the Taliban, 1994–2001. In *The Afghanistan Wars* (pp. 218-250). Springer.

Malkasian, C. (2021). *The American war in Afghanistan: A history*. Oxford University Press.

Mansor, N., & Abdullahi, R. (2015). Fraud triangle theory and fraud diamond theory. Understanding the convergent and divergent for future research. *International Journal of Academic Research in Accounting, Finance and Management Science, 1*(4), 38-45.

Mantzaris, E. (2014). Municipal financial management to fight corruption and enhance development. *African Journal of Public Affairs, 7*(2), 80-92.

Manzetti, L., & Wilson, C. J. (2007). Why do corrupt governments maintain public support? *Comparative political studies, 40*(8), 949-970.

Markuts, Y., & Roberto, F. (2025). Emergency budgeting for resilience during the war. The case of Ukraine. *Public Money & Management, 45*(3), 195-205.

Marriott, L., & Sim, D. (2015). Indicators of inequality for Maori and Pacific people. *Journal of New Zealand Studies*(20), 24-50.

Martin, J. (2024). *Grounding the state of exception in New Zealand: A case study of racial segregation in Pukekohe, Whiteness and the Carceral State* The University of Waikato].

Martinez-Cousinou, G., & Andersson, S. (2009). Institutional Control of Corruption: an Analytical Framework for its Study. *REVISTA DEL CLAD REFORMA Y DEMOCRACIA*(43), 103-+.

Mashaw, J. L. (2018). *Reasoned administration and democratic legitimacy: How administrative law supports democratic government*. Cambridge University Press.

Masters, A., & Hall, K. (2019). Corruption in Australia and New Zealand. In *Corruption in a Global Context* (pp. 155-176). Routledge.

Masters, A., & Hall, K. (2024). Corruption in Australia and New Zealand. In *Corruption in a Global Context* (pp. 155-176). Routledge.

Mathews, M., Key, T. K., & Nah, S. (2022). Attitudes, Actions and Aspirations: Key Findings from the CNA-IPS Survey on Race Relations 2021.

Mathews, M., & Lim, L. (2019). Social equity in Singapore. *Social equity in the asia-pacific region: Conceptualizations and realities*, 215-233.

Mauro, P., & Driscoll, D. D. (1997). *Why worry about corruption?* (Vol. 6). International Monetary Fund Washington, DC.

Mbuh, P. E., Nchang, N. D., NdiIsoh, A. V., & Adenuga, K. I. (2020a). Employee fraud: an empirical review of ghost workers. *International Journal of Innovative Research and Advanced Studies (IJIRAS), 7*(3), 119-125.

Mbuh, P. E., Nchang, N. D., NdiIsoh, A. V., & Adenuga, K. I. (2020b). Employee fraud: an empirical review of ghost workers. *Int. J. Innov. Res. Adv. Stud, 7*, 119-125.

McClean, H. (2011). Failure of the current anti-corruption strategy in Afghanistan.

McDevitt, A. (2016). Afghanistan: Overview of Corruption and anti-corruption with a Focus on Development Assistance. *U4 Anti-Corruption Resource Centre*, 1-16.

McDonald, J. (1952). New Zealand land legislation. *Australian Historical Studies, 5*(19), 195-211.

McFee, G. (1992). Triangulation in research: two confusions. *Educational Research, 34*(3), 215-219.

McGee, D. (2021). *Parliamentary Practice in New Zealand*. Oratia Media Ltd.

McLachlan, K. (1997). Afghanistan: The geopolitics of a buffer state. *Geopolitics, 2*(1), 82-96.

McLaren, R. H. (2008). Corruption: Its impact on fair play. *Marq. Sports L. Rev., 19*, 15.

McLean, I., & McMillan, A. (2009). *The concise Oxford dictionary of politics*. OUP Oxford.

McLean, J. (2015). Crown, empire and redressing the historical wrongs of colonisation in New Zealand. *New Zealand Law Review, 2015*(2), 187-212.

Means, W. I. (2021). FitzRoy, Robert. *Galápagos: An Encyclopedia of Geography, History, and Culture*, 187.

Meng, C., Ghafoori, N., & Yolchi, J. (2025a). Foreign intervention, executive corruption, and economic growth in Afghanistan. *Contemporary South Asia, 33*(1), 52-69.

Meng, C., Ghafoori, N., & Yolchi, J. (2025b). Foreign intervention, executive corruption, and economic growth in Afghanistan. *Contemporary South Asia*, 1-18.

Menzel, A. (2020). The pressures of getting it right: Expertise and victims' voices in the work of the Sierra Leone Truth and Reconciliation Commission (TRC). *International Journal of Transitional Justice, 14*(2), 300-319.

Merkle, O. (2018). Overview of corruption and anti-corruption. *Transparency International Anti-Corruption Center*.

Meza, O., Pérez-Chiqués, E., & Gofen, A. (2024). Street-level bureaucrats in environments of systemic corruption: sources of influence. In *Street-Level Bureaucracy in Weak State Institutions* (pp. 61-76). Policy Press.

Mezaluna, M., Jurana, J., Pattawe, A., & Latifa, L. (2024). The Effect of Work-Life Balance and Workload on Employee Performance. *International Journal of Environmental, Sustainability, and Social Science, 5*(5), 1299-1310.

Milian, E. Z., Spinola, M. d. M., & de Carvalho, M. M. (2019). Fintechs: A literature review and research agenda. *Electronic Commerce Research and Applications, 34*, 100833.

Millett, P. (2005). The trial of Socrates revisited. *European Review of History: Revue européenne d'histoire, 12*(1), 23-62.

Mills, N. F. (2023). *UK corporate bribery and corruption: an enforcement paradox* University of Reading].

Mingst, K. A., Karns, M. P., & Lyon, A. J. (2022). *The United Nations in the 21st century*. Routledge.

Mohan, S. C. (1987). *The control of corruption in Singapore*. University of London, School of Oriental and African Studies (United Kingdom).

Mohseni, M. (2022). *Why did the US-Led Afghanistan Reconstruction fail?* Central European University].

Mokhtarzadeh, K., & Modaber, A. A. (2022). Developing Exploratory Model for Anticorruption Policy Making in Afghanistan.

Monib, A. (2024). A historical look at the reforms of Amir Amanullah Khan. *Kunduz University International Journal of Islamic Studies and Social Sciences*, 149-164.

Moret, E. (2023). Barriers to Afghanistan's critical private sector recovery.

Morris, S. D. (2011). Forms of corruption. *CESifo DICE Report, 9*(2), 10-14.

Mortera-Martinez, C. (2021). How to fight corruption and uphold the rule of law. *Center for European Reform*.

Mostafapour, M., Samiee, R., Mostaghimi, M., & Cheraghali, M. (2021). Studying the Relationship Between Meritocracy and Administrative System Health in Government Organizations: By Explaining the Mediating Role of Mackenzie Model. *Journal of Critical Reviews, 8*(1), 415-428.

Mousavi, P., & Pourkiani, M. (2013). Administrative corruption: Ways of tackling the problem. *European Online Journal of Natural and Social Sciences: Proceedings, 2*(3 (s)), pp. 178-187.

Mueller, D. C. (1991). Constitutional rights. *The Journal of Law, Economics, and Organization, 7*(2), 313-333.

Mugarura, N. (2016). Uncoupling the relationship between corruption and money laundering crimes. *Journal of Financial Regulation and Compliance, 24*(1), 74-89.

Mugellini, G., Della Bella, S., Colagrossi, M., Isenring, G. L., & Killias, M. (2021). Public sector reforms and their impact on the level of corruption: A systematic review. *Campbell Systematic Reviews, 17*(2), e1173.

Mukhopadhyay, D. (2016). *Provincial governors in afghan politics*. JSTOR.

Mungiu-Pippidi, A. (2011). Contextual choices in fighting corruption: Lessons learned. *Norwegian Agency for Development Cooperation*.

Mungiu-Pippidi, A. (2015). *The quest for good governance: How societies develop control of corruption*. Cambridge University Press.

Murid Partaw, A. (2023). The failure of democracy in Afghanistan. *British Journal of Middle Eastern Studies*, 1-20.

Murtazashvili, J. B. (2022). The collapse of Afghanistan. *Journal of democracy, 33*(1), 40-54.

Murtazashvili, J. B. (2025). The collapse of Afghanistan. *Journal of democracy, 33*(1), 40-54.

Murthy, C. (2002). Taliban and the Afghanistan Problem, 1996-2001: Role of the UN. *Himalayan and Central Asian Studies, 6*(1), 4-34.

Myint, U. (2000). Corruption: Causes, consequences and cures. *Asia pacific development journal, 7*(2), 33-58.

Myrdal, G. (2024). Corruption: Its causes and effects. In *Political Corruption* (pp. 953-961). Routledge.

Naimpoor, S. (2020). *NATO's Security Sector Reform in Afghanistan* The University of Western Ontario (Canada)].

Nandi, P. (2025). An Analysis in the 2024 Corruption Perception Index

Napoletano, T. (2024). Meritocracy, meritocratic education, and equality of opportunity. *Theory and Research in Education, 22*(1), 3-18.

Narits, R. (2007). Principles of Law and Legal Dogmatics as Methods Used by Constitutions Courts. *Juridica Int'l, 12*, 15.

Nawaz, F. (2010). Exploring the relationships between corruption and tax revenue. *U4 Expert Answers, 228*, 2010.

Neo, J. L. (2018). Autonomy, Deference and Control: Judicial Doctrine of Separation of Powers in Singapore. *J. Int'l & Comp. L., 5*, 461.

Network, A. A., & Bjelica, J. (2019). Afghanistan'Anti-Corruption Institutions: Too many, and with too few results.

Newbold, G. (2016). *Crime, law and justice in New Zealand*. Routledge.

Newshour, P. (2011). A Historical Timeline of Afghanistan. *PBS NewsHour*.

Nezaami, N. (2023). Politics Before Law: The Penal Code of 2017 In *Criminal Legalities and Minorities in the Global South: Rights and Resistance in a Decolonial World* (pp. 43-62). Springer.

Nijat, A. (2014). Governance in Afghanistan. *Kabul, Afghanistan: AREU*.

Nijssen, S., Hall, M., Gonzalez, R., & Checchia, M. (2022). Corruption & Anti-Corruption Issues in Afghanistan. *Brussels: Civil-Military Fusion Centre*.

Nolan, M. (2007). The reality and myth of New Zealand egalitarianism: Explaining the pattern of a labour historiography at the edge of empires.

Noori, H. (2022). Taliban ban Afghan women from university education. *The Guardian*.

Nye, J. S. (1967). Corruption and political development: A cost-benefit analysis. *American political science review, 61*(2), 417-427.

Oh, S., Morini, P., Hudson, J., & Hudson, D. (2025). After Kabul: Addressing concerns about corruption in donor publics by rechannelling aid.

Oliveira, E., Abner, G., Lee, S., Suzuki, K., Hur, H., & Perry, J. L. (2024). What does the evidence tell us about merit principles and government performance? *Public Administration, 102*(2), 668-690.

Onyango, G. (2021). Whistleblower protection in developing countries: a review of challenges and prospects. *SN Business & Economics, 1*(12), 169.

Orange, C. (2017). *Te Tiriti o Waitangi: The Treaty of Waitangi, 1840*. Bridget Williams Books.

Ostojski, P. (2020). Principles of legitimate expectations and legal certainty in the context of amendments to EU law and national legislation. *Ius Novum, 14*(2), 156-173.

Oswin, N., & Yeoh, B. S. (2010). Introduction: mobile city Singapore. *Mobilities, 5*(2), 167-175.

Pal, B., & Chaudhuri, B. (2024). *Robust control in power systems*. Springer Science & Business Media.

Palmer, G. W. (2019). The reform of the Crimes Act 1961. *Victoria U. Wellington L. Rev., 20*, 9.

Partaw, A. M. (2025). The Challenge of Legitimacy and Governance in Fragile States: A Case Study of Afghanistan. *Democracy and Security*, 1-31.

Partlow, J. (2011). Elaborate Ruse Behind Vast Kabul Bank Fraud. *The Washington Post*.

Pasarlay, S. (2018). Rethinking Afghanistan's longest-lived constitution: The 1931 constitution through the lens of constitutional endurance and performance literature. *Elon L. Rev., 10*, 283.

Pasculli, L., & Ryder, N. (2019). *Corruption in the Global Era*.

Patang, G., Baryal, B., & Sharaf, S. Preventing Corruption in the Customs of Afghanistan.

Pelling, H. (1984). *The Labour Governments, 1945–51*. Springer.

Pepinsky, T. (2024). CORRUPTION.

Pervin, L. A., & Lewis, M. (1978). Overview of the internal-external issue. In *Perspectives in interactional psychology* (pp. 1-22). Springer.

Philp, M. (2016). Corruption definition and measurement. In *Measuring corruption* (pp. 45-56). Routledge.

Pollock, F. (1894). Divisions of Law. *Harv. L. Rev., 8*, 187.

Pond, W. (2012). United States Response to UNCAC Articles 7-9 (CU 2012/28 (A) and CU 2012/82 (A)/DTA/CEB Part I).

Pope, J. (1999). Enhancing accountability and ethics in the public sector. *Curbing Corruption: Toward a Model for Building National Integrity. Washington, DC: The World Bank*, 105-116.

Post, L. A., Raile, A. N., & Raile, E. D. (2010). Defining political will. *Politics & Policy, 38*(4), 653-676.

Price, S. (2023). Collateral Benefits' and the 'International Community. *The Mediation of Sustainability: Development Goals, Social Movements, and Public Dissent*, 51.

Qayum, H., Shah, Z., & Alam, J. (2017). Afghanistan in the historical perspective. *Global Political Review, 2*(1), 46-53.

Quadri, S. A., Ahmadi, A., Madadi, S., Qaderi, S., & Lucero-Prisno III, D. E. (2022). Taliban takeover of Afghanistan: what will be its impact on healthcare? *Medicine, Conflict and Survival, 38*(2), 109-115.

Quah, J. S. (2003). Curbing corruption in Asia: A comparative study of six countries. *(No Title)*.

Quah, J. S. (2013). Curbing corruption in Singapore: The importance of political will, expertise, enforcement, and context. In *Different paths to curbing corruption* (pp. 137-166). Emerald Group Publishing Limited.

Quah, J. S. (2015). Singapore's Corrupt Practices Investigation Bureau: Four suggestions for enhancing its effectiveness. *Asian Education and Development Studies, 4*(1), 76-100.

Quah, J. S. (2017a). Learning from Singapore's effective anti-corruption strategy: Policy recommendations for South Korea. *Asian Education and Development Studies, 6*(1), 17-29.

Quah, J. S. (2017b). Singapore's success in combating corruption: lessons for policy makers. *Asian Education and Development Studies, 6*(3), 263-274.

Quah, J. S. (2020a). Combating corruption in Singapore: a comparative analysis of two scandals. *Public Administration and Policy, 23*(1), 87-99.

Quah, J. S. (2020b). Curbing corruption and enhancing trust in government: Some lessons from Singapore and Hong Kong. In *Handbook of Asian criminology* (pp. 25-47). Springer.

Quah, J. S. (2022a). Leadership and culture in combating corruption: a comparative analysis. *Public Administration and Policy*(ahead-of-print).

Quah, J. S. (2022b). Lee Kuan Yew's role in minimising corruption in Singapore. *Public Administration and Policy, 25*(2), 163-175.

Quah, J. S. (2024). Singapore's experience in curbing corruption. In *Political Corruption* (pp. 841-853). Routledge.

Qutb, M. (2020). Long read: sowing seeds of ethnic division? Afghanistan's constitution and electoral system. *South Asia@ LSE*.

Rahbari, S. (2018). From normative pluralism to a unified legal system in Afghanistan? *Asian Journal of Law and Society, 5*(2), 289-314.

Raja, W. A. (2024). Study of Internal Conflict (SOIC): Afghanistan 2001–2021. (Case Studies). . *British Journal of Middle Eastern Studies, 51*(4), 810-829.

Ramage, S. (2005). *Fraud and the Serious Fraud Office: Fraud Law: Book Two*. iUniverse.

Rasmussen, E., & Greenwood, G. (2014). Conflict resolution in New Zealand. *The Oxford handbook of conflict management in organizations*, 449-474.

Ravanstan, A., Shafie, N., Deheshyar, H., & Haji Mine, R. (2022). The United Nations' activity to settle the crisis in Afghanistan (1947-2021). *The Fundamental and Applied Studies of the Islamic World, 4*(3), 77-103.

Research, & Degrowth. (2010). Degrowth declaration of the Paris 2008 conference. *Journal of cleaner production, 18*(6), 523-524.

Resnik, D. B., & Shamoo, A. E. (2011). The Singapore statement on research integrity. *Accountability in research, 18*(2), 71-75.

Reutlinger, A., Schurz, G., & Hüttemann, A. (2011). Ceteris paribus laws. *Stanford encyclopedia of philosophy*.

Rijckeghem, C. V., Weder, B., Tanzi, V., & Wickham, P. (1997). Corruption and the rate of temptation: do low wages in the civil service cause corruption? *(No Title)*.

Rikza, A. (2016). Optimalizing The Role of United Nation Assistance Mission in Afgahanistan (UNAMA) for Helping Afghanistan's Strategy Succeed Fight Against Corruption.

Roberts, K. M., & Smith, N. C. (2017). Design-build contracts under state and local procurement laws. *Pub. Cont. LJ, 25*, 645.

Roberts, R. (2009). *Reflections on the Paris Declaration and aid effectiveness in Afghanistan*. Afghanistan Research and Evaluation Unit Kabul.

Robinson, S. (2024). Leadership Integrity. In *Exploring Integrity in the Christian Church* (pp. 57-84). Springer.

Roffia, P., & Poffo, M. (2025). Revisiting the Fraud Triangle in Corporate Frauds: Towards a Polygon of Elements. *Journal of Risk and Financial Management, 18*(3), 156.

Roll, R. (1988). The international crash of October 1987. *Financial analysts journal, 44*(5), 19-35.

Rose, C. (2020). The creation of a review mechanism for the UN Convention Against Transnational Organized Crime and its protocols. *American Journal of International Law, 114*(1), 51-67.

Rose, C., Kubiciel, M., & Landwehr, O. (2019). *The United Nations convention against corruption: A commentary*. Oxford University Press.

Rose, J. (2004). The rule of law in the western world: an overview. *Journal of social philosophy, 35*.

Rose-Ackerman, S. (1997). The political economy of corruption. *Corruption and the global economy, 31*(60), 54.

Rose-Ackerman, S. (2008). Corruption and post-conflict peace-building. *Ohio NUL Rev., 34*, 405.

Rose-Ackerman, S., & Palifka, B. J. (2016). *Corruption and government: Causes, consequences, and reform*. Cambridge university press.

Rosenberg, B. (2017). A brief history of labour's share of income in New Zealand 1939–2016'. *Transforming Workplace Relations, Wellington: Victoria University Press, https://www. researchgate. net/publication/317868928_A_brief_history_of_ labour% 27s_share_of_income_in_New_Zealand_1939-2016*.

Rosenbloom, D. H. (2018). Administrative law and regulation. In *Handbook of public administration* (pp. 635-696). Routledge.

Rosenblum, N. L., & Lesch, C. H. (2023). Civil society versus government. *The Oxford handbook of civil society*, 285-298.

Rotaru, C., Bodislav, D.-A., & Georgescu, R. (2016). A review of corruption based on the social and economic evolution of Ancient Greece and Ancient Rome. *Theoretical & Applied Economics, 23*(2).

Rubin, B. R. (2004). Crafting a constitution for Afghanistan. *Journal of democracy, 15*(3), 5-19.

Rubin, M. (2002). Who is responsible for the Taliban. *Middle East review of international affairs, 6*(1), 1-16.

Rubinstein, A. Z. (1982). The last years of peaceful coexistence: Soviet-Afghan relations 1963-1978. *Middle East Journal, 36*(2), 165-183.

Rusin, R., Dubinskiy, O., & Kharytonov, R. (2021). Implementation of international anti-corruption standards in the economic space. *Baltic Journal of Economic Studies, 7*(5), 184-191.

Rybalchenko, L., Ryzhkov, E., & Ohrimenco, S. (2021). Economic crime and its impact on the security of the state. *Philosophy, economics and law review*(2), 78-91.

Saikal, A. (2002). Afghanistan after the Loya Jirga. *Survival, 44*(3), 47-56.

Saiti, A., & Stefou, T. (2020). Hierarchical organizational structure and leadership. In *Oxford Research Encyclopedia of Education*.

Samady, S. R. (2001). Education and Afghan society in the twentieth century.

Samsor, A. M. (2020). Challenges and Prospects of e-Government implementation in Afghanistan. *International Trade, Politics and Development, 5*(1), 51-70.

Sánchez-Aguayo, M., Urquiza-Aguiar, L., & Estrada-Jiménez, J. (2021). Fraud detection using the fraud triangle theory and data mining techniques: A literature review. *Computers, 10*(10), 121.

Sauvant, K. P. (2015). The negotiations of the United Nations code of conduct on transnational corporations: experience and lessons learned. *The Journal of World Investment & Trade, 16*(1), 11-87.

Scheb, J., & John Scheb, I. (2004). *Law and the administrative process*. Cengage Learning.

Schievels, J. (2018). Drugs and development in Afghanistan. *A Journal for Undergraduate Research in the Netherlands Volume 2, number 1 June 2018, 2*(1), 42-52.

Schiller, C. (2000). Improving governance and fighting corruption: An IMF perspective. *Accessed on, 18*(06), 2012.

Schleich, A.-M. (2024). *Perspectives Of Two Island Nations: Singapore-new Zealand*. World Scientific.

Schramm, M. (2024). Platform Administrative Law A Research Agenda. *Available at SSRN 4898542*.

Schuchter, A., & Levi, M. (2016). The fraud triangle revisited. *Security Journal, 29*(2), 107-121.

Schwartz, B. (2016). *French administrative law and the common-law world*. The Lawbook Exchange, Ltd.

Schweiger, R. (2018). AFGHANISTAN'S FIGHT AGAINST CORRUPTION-From Strategies to Implementation.

Schweiger, R. (2022). FIGHTING CORRUPTION IN AFGHANISTAN-STEPPING UP TRANSPARENCY, INTEGRITY AND ACCOUNTABILITY.

Sedra, M. (2006). Security sector reform in Afghanistan: The slide towards expediency. *International peacekeeping, 13*(1), 94-110.

Semple, M. (2023). The Taliban in 2024. *Stability: International Journal of Security and Development, 3*(1), 36-36.

Serra, D. (2012). Combining top-down and bottom-up accountability: evidence from a bribery experiment. *The journal of law, economics, & organization, 28*(3), 569-587.

Sevastik, P. (2020). Rule of law, human rights and impunity: The case of Afghanistan. *Hague Journal on the Rule of Law, 12*, 93-145.

Shameem, S. (2022). New Zealand: a current analysis of the New Zealand serious fraud office. *Journal of Financial Crime, 6*(2), 195-199.

Sharan, T. (2022). *Inside Afghanistan: Political networks, informal order, and state disruption*. Routledge.

Shehaj, A., & Shahini, L. (2019). The impact of transparency in the fight against corruption. *Mediterranean Journal of Social Sciences, 10*(5), 47.

Shen, S. V. (2025). Political will as a source of policy innovation. *Policy Studies Journal, 53*(1), 185-200.

Sherman, J. (2009). The Afghan National Development Strategy: the right plan at the wrong time. *Journal of Security Sector Management, 7*(1), 1-9.

Shihata, I. F. (1997). Corruption: A general review with an emphasis on the role of the World Bank. *Journal of Financial Crime, 5*(1), 12-29.

Shimada, H. (2025). Aid paradox for unrecognized governments: The Taliban and aid. *Development Policy Review, 43*(3), e70008.

Shiri, M., & Nguyen, M. (2023). Singapore's Commitment to Combating Corruption. In *The Palgrave Encyclopedia of Social Marketing* (pp. 1-8). Springer.

Shively, G., & Galopin, M. (2013). An overview of benefit-cost analysis. *Accessed online at http://www. agecon. purdue. edu/staff/shively/COURSES/AGEC406/reviews/bca. htm*.

Silverman, D. (2011). A guide to the principles of qualitative research.

Simon-Yarza, B. (2023). The changing wheels hypothesis. Corruption and development: Evidence from China. *Journal of Government and Economics, 12*, 100094.

Singh, D. (2016). Anti-corruption strategies in Afghanistan: An alternative approach. *Journal of Developing Societies, 32*(1), 44-72.

Sirat, A. (1968). The modern legal system of Afghanistan. *Am. J. Comp. L., 16*, 563.

Sjoberg, F. M. (2013). Political Parties and Election Fraud. *Available at SSRN 2274873*.

Sopko, J. (2016). Remarks prepared for delivery by Special Inspector General John F. *Sopko on the release of SIGAR's first lessons learned report,,Corruption in conflict: Lessons from the US experience in Afghanistan*.

Sopko, J. F. (2017). Rebuilding Afghanistan: A Fight Against Corruption. *NYUJ Int'l L. & Pol., 50*, 1237.

Sorabji, J. (2021). Justice without lawyers. In *New Pathways to Civil Justice in Europe: Challenges of Access to Justice* (pp. 221-242). Springer.

Søreide, T. (2002). *Corruption in public procurement. Causes, consequences and cures*. Chr. Michelsen Intitute.

Soreide, T., & Rose-Ackerman, S. (2017). Corruption in state administration. In *Corruption in State Administration: Soreide, Tina| uRose-Ackerman, Susan*. [Sl]: SSRN.

Spicker, P. (2014). Seven Principles of Public Life: time to rethink. *Public Money & Management, 34*(1), 11-18.

Spyromitros, E., & Panagiotidis, M. (2022). The impact of corruption on economic growth in developing countries and a comparative analysis of corruption measurement indicators. *Cogent Economics & Finance, 10*(1), 2129368.

Stapenhurst, R., & Kpundeh, S. J. (1999). *Curbing corruption: Toward a model for building national integrity*. World Bank Publications.

[Record #980 is using a reference type undefined in this output style.]

Stivers, C. (2015). Rule by nobody: Bureaucratic neutrality as secular theodicy. *Administrative Theory & Praxis, 37*(4), 242-251.

Stott, D. (1997). *Principles of administrative law*. Routledge-Cavendish.

Street, A. (2013). Judicial review and the rule of law. *The Constitution Society, London*.

Strong, V. Australian Multilateral Assessment March 2012.

Sullivan, P. (2023). Auditing Failure: The Special Inspector General for Afghanistan Reconstruction, 2012-2021.

Šumah, Š. (2018). Corruption, causes and consequences. In *Trade and global market*. IntechOpen.

Taboli, H., Samie'e Darooneh, M., & Ehsani, A. (2013). Administrative corruption: why and how. *International Journal of Advanced Studies in Humanities and Social Science, 1*(12), 2567-2575.

Tan, K. P. (2008). Meritocracy and elitism in a global city: Ideological shifts in Singapore. *International Political Science Review, 29*(1), 7-27.

Tan, K. Y. (2015). *The Constitution of Singapore 1965*. Bloomsbury Publishing.

Tanzi, V. (1998). Corruption around the world: Causes, consequences, scope, and cures. *Staff papers, 45*(4), 559-594.

Tanzi, V., & Davoodi, H. (1998). Corruption, public investment, and growth. The Welfare State, Public Investment, and Growth: Selected Papers from the 53 rd Congress of the International Institute of Public Finance,

Tarzi, S. M. (1998). Afghanistan in 1992: A Hobbesian state of nature. *Asian Survey, 33*(2), 165-174.

Tefurukwa, O. W. (2021). Managing Ghost Workers Fraud on Payroll in Tanzania: A Conceptual Framework. *International Journal of Governance and Public Policy Analysis, 3*(01).

Teo, P. J. (2008). Adjudication: Singapore perspective. *Journal of Professional Issues in Engineering Education and Practice, 134*(2), 224-230.

Thier, J. A. (2006). Making of a Constitution in Afghanistan, The. *NYL Sch. L. Rev., 51*, 557.

Thio, L.-a. Constitution Of The Republic Of Singapore. *Constitutionalism In Southeast Asia*, 251.

Thom, R. R. M., & Grimes, A. (2022). Land loss and the intergenerational transmission of wellbeing: The experience of iwi in Aotearoa New Zealand. *Social science & medicine, 296*, 114804.

Thomas, R. (2000). *Legitimate expectations and proportionality in administrative law*. Hart Publishing.

Thompson, M. P. (1988). Significant silences in Locke's Two Treatises of Government: constitutional history, contract and law. *The Historical Journal, 31*(2), 275-294.

Tickner, P., & Button, M. (2021). Deconstructing the origins of Cressey's Fraud Triangle. *Journal of Financial Crime, 28*(3), 722-731.

Trautman, L. J., & Altenbaumer-Price, K. (2011). The foreign corrupt practices act: Minefield for directors. *Va. L. & Bus. Rev., 6*, 145.

Trautman, L. J., & Kimbell, J. (2018). Bribery and corruption: The COSO framework, FCPA, and UK bribery act. *Fla. J. Int'l L., 30*, 191.

Triatmanto, B., & Bawono, S. (2023). The interplay of corruption, human capital, and unemployment in Indonesia: Implications for economic development. *Journal of Economic Criminology, 2*, 100031.

Turnbull, C. M. (2009). *A history of modern Singapore, 1819-2005*. Nus Press.

UN. (2004). United Nations convention against corruption. *United Nations Office on Drugs and Crime*.

Uzuegbu, C., & Nnadozie, C. (2015). Henry Fayol's 14 principles of management: Implications for libraries and information centres. *Journal of Information Science theory and practice, 3*(2), 58-72.

van der Heijden, J. (2021). New Zealand's Regulatory Stewardship as a guiding philosophy for regulatory reforms. *Jeroen van der Heijden (forthcoming)" Guiding philosophies for regulatory reforms: Exploring Regulatory Stewardship in New Zealand". IN: KIPA (Eds) Global Issues in Public Administration. Seoul: Korean Institute of Public Administration*.

Van Meerbeek, K., Jucker, T., & Svenning, J. C. (2021). Unifying the concepts of stability and resilience in ecology. *Journal of Ecology, 109*(9), 3114-3132.

Vandekerckhove, W., & Lewis, D. (2013). The content of whistleblowing procedures: A critical review of recent official guidelines. *Journal of Business Ethics, 108*(2), 253-264.

Vaughn, R. G. (2010). Transparency in the administration of laws: The relationship between differing justifications for transparency and differing views of administrative law. *Am. U. Int'l L. Rev., 26*, 969.

Vincenzo, V. (2004). Electoral systems and corruption. *Revista Latinoamericana de Desarrollo Económico*(3), 117-150.

Vittori, J. (2021). Corruption and Self-Dealing in Afghanistan and Other US-Backed Security Sectors.

Voxted, S. (2017). 100 years of Henri Fayol. *Management Revue*, 256-274.

Vozniuk, A., Hryha, M., Botnarenko, I., Makarenko, T., & Bryskovska, O. (2022). Electoral corruption: illegal voter bribery technologies. *Cuestiones Políticas, 40*(75).

Wade, W., & Forsyth, C. (2014). *Administrative law*. Oxford University Press, USA.

Wade, W., & Forsyth, C. F. (2014). *Administrative law*. Oxford University Press, USA.

Wakefield, J. (2006). Trends in the case law on the action for damages against Community Institutions. ERA Forum,

Waldron, J. (2016). The rule of law.

Walter, R., Jacomb, C., & Bowron-Muth, S. (2010). Colonisation, mobility and exchange in New Zealand prehistory. *Antiquity, 84*(324), 497-513.

Wardak, A., Saba, D., & Kazem, H. (2007). Afghanistan Human Development Report: Bridging Modernity and Tradition: Rule of Law and the Search for Justice. *Kabul: Center for Policy and Human Development*.

Wardak, M. M. (2019). Patronage and political corruption in Afghanistan since 2001. *Available at SSRN 3421166*.

Weber, M. (2023). Bureaucracy. In *Social theory re-wired* (pp. 271-276). Routledge.

Wedeman, A. (2017). The intensification of corruption in China. In *Critical Readings on the Communist Party of China (4 Vols. Set)* (pp. 1242-1272). Brill.

Wee, E. X. N. (2024). We, the citizens of Singapore: a study of the gender pay gap through the lens of gendered citizenship.

Weilert, A. K. (2016). United nations convention against corruption (UNCAC)–after ten years of being in force. *Max Planck Yearbook of United Nations Law Online, 19*(1), 216-240.

Weinbaum, M. G. (1972). Afghanistan: Nonparty parliamentary democracy. *The Journal of Developing Areas, 7*(1), 57-74.

Wesche, J. S., May, D., Peus, C., & Frey, D. (2010). Leadership corruption. *When leadership goes wrong: Destructive leadership, mistakes, and ethical failures*, 305-353.

Westen, P. (1982). The empty idea of equality. *Harvard Law Review*, 537-596.

Whalen-Bridge, H. (2019). Court backlogs: balancing efficiency and justice in Singapore. *International Journal of the Legal Profession, 26*(1), 159-177.

Wilson, H. (2025). *Fraud in Afghanistan: Analysis of Internal Control Failures* Acquisition Research Program].

Win, H. (2019). A Comparative Analysis of Political systems between New Zealand and Singapore. *decision-making, 8*, 2.

Wisstt, N. (2022). Anti-Corruption Initiatives in the Pacific Islands: The Effectiveness of International, Regional, and Domestic Frameworks for Anti-corruption in the Pacific. In *New Zealand yearbook of international law* (pp. 34-63). Brill Nijhoff.

Wolf, L. (2017). In search of a definition for administrative action. *South African Journal on Human Rights, 33*(2), 314-334.

Wren, D. A., Bedeian, A. G., & Breeze, J. D. (2002). The foundations of Henri Fayol's administrative theory. *Management Decision, 40*(9), 906-918.

Yasa, A. R. (2022). Human Rights Violations in Afghanistan: An Analysis of Women Plights under the Taliban.

Yassari, N., & Saboory, M. H. (2010). Sharia and national law in Afghanistan. *Sharia Incorporated: A Comparative Overview of the Legal Systems of Twelve Muslim Countries in Past and Present*, 273-318.

Ylmaz Ata, A., & Arvas, M. A. (2011). Determinants of economic corruption: a cross-country data analysis. *International Journal of Business and Social Science, 2*(13).

Yousuf, Z. M., Sharifullah, A., & Shahidullah, S. (2022). A Comparative Study of Administrative Corruption Identification in Islamic Sharia, International Documents and Afghanistan's Legislative Documents. *Integrated Journal for Research in Arts and Humanities, 2*(5), 58-61.

Yu, W. (2015). *Anti-Corruption Strategies in Singapore: Demystifying the Singapore Model*. CRC Press London and New York.

Yusufzada, S., & Xia, Z. (2019). Public administration in Afghanistan: challenges and way forward. *Open Journal of Social Sciences, 7*(6), 142-160.

Yusufzada, S., Xia, Z., & Xia, Z. (2019). Public administration in Afghanistan: challenges and way forward. *Open Journal of Social Sciences, 7*(06), 142.

Zinni, A. C., Augier, M., & Barrett, S. F. (2022). Failure in Afghanistan: how it happened and what it means. *Journal of South Asian and Middle Eastern Studies, 45*(3), 30-50.

Zirker, D. (2017a). Success in combating corruption in New Zealand. *Asian Education and Development Studies*.

Zirker, D. (2017b). Success in combating corruption in New Zealand. *Asian Education and Development Studies, 6*(3), 238-248.

Zyck, S. A., Basar, E., Nijssen, S., Hall, M., Gonzalez, R., & Checchia, M. (2012). Corruption & Anti-Corruption Issues in Afghanistan. *Brussels: Civil-Military Fusion Centre*.

AUTHOR'S PROFILE



Mahdi Abolfazly was born in Parwan, Afghanistan, in February 1995. He obtained his bachelor's degree in law & political science from Gawharshad University in Kabul, Afghanistan, in 2017. He then pursued his master's degree in international business communication at Asia Pacific University of Technology & Innovation (APU), Kuala Lumpur, Malaysia, in 2020. He has worked as a teacher at the Malaysian Social Research Institute (MSRI) from 2021 to 2024 and as an assistant lecturer at the Universiti Teknologi MARA (UiTM) Shah Alam from 2023 to 2024. His research primarily focuses on administrative law, anti-corruption frameworks, and government communication efficacy, with a specific interest in the legal landscapes of Afghanistan, Singapore, and New Zealand.

LIST OF PUBLICATIONS:

Abolfazly, M. (2021). Perception of communication efficacy among Afghanistan government employees and their customers. *Electronic Journal of Business and Management*.

Abolfazly, M. (2022). *Fighting administrative corruption in Afghanistan*. *UiTM International Conference on Law & Society 2022*.

Abolfazly, M. (2023). Combating administrative corruption: A comparative study of frameworks in New Zealand and Singapore. *Juris Gentium Law Review*.

Abolfazly, M. (2025). Historical development of administrative law: An Afghan perspective. *Asian Journal of Law and Governance*.

Abolfazly, M., & Akbar Bin Kamarudin @ Abdul Shukor. (2025). Anti-corruption laws in Afghanistan and causes that undermine the laws. *Asian Journal of Law and Governance*.

Abolfazly, M. (2025). A comparative analysis of frameworks for combating administrative corruption in Singapore and New Zealand. *Asian Journal of Law and Governance*.