BRIBERY AS A BARRIER TO ECONOMIC INTEGRITY: LEGAL FRAMEWORKS, ENFORCEMENT CHALLENGES, AND SOCIETAL IMPACT

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Abstract:

Bribery remains a pervasive issue undermining public trust, economic efficiency, and the legitimacy of institutions worldwide. This article examines the multifaceted nature of bribery, from its economic and legal implications to enforcement practices in various countries. Through an analysis grounded in economic theory, criminal law, and global case studies, the paper highlights both progress and persistent gaps in anti-bribery regulation and enforcement. The findings show that while legal reforms like the US Foreign Corrupt Practices Act and the UK Bribery Act have strengthened global frameworks, disparities in implementation and cultural tolerance continue to hinder their full effectiveness.

Keywords:

Bribery, corruption, enforcement, public sector, Foreign Corrupt Practices Act, UK Bribery Act, economic impact, legal regulation

Bribery, a core form of corruption, erodes the rule of law and economic equity. It entails the exchange of value to influence the actions of officials or decision-makers, often resulting in distorted public services and unfair competitive advantages. This paper explores the economic and legal dimensions of bribery, identifies current enforcement mechanisms, and evaluates their effectiveness in deterring corrupt practices across jurisdictions. A literature-based qualitative analysis was conducted using peer-reviewed articles and policy research focused on bribery. Emphasis was placed on comparative legal frameworks, economic analysis of corruption, and enforcement patterns in the United States, United Kingdom, Indonesia, and other global regions. The research draws from multidisciplinary sources including law, economics, and public administration. In particular, “Bribery of national public officials” means promising, offering, or giving an undue advantage to a public official, either directly or indirectly, for the official themselves or for another individual or legal entity, in order to influence the official to act or refrain from acting in the course

of their official duties. It also includes situations where a public official, during the performance of their official duties, either directly or through intermediaries, solicits or accepts an undue advantage for themselves or for another individual or legal entity, in order to act or refrain from acting in a certain way. The situations described in this article of the Convention are separately stipulated as criminal liabilities under Articles 210, 211, and 212 of the Criminal Code of our Republic.[1]

1. Economic and Legal Foundations of Bribery

Bribery creates inefficiencies in resource allocation and distorts public decision-making. Economic analyses show that weak penalties and high expected benefits of bribery contribute to its persistence. [2] The legal system often fails to proportionately punish offenders, especially for large-scale corruption.

2. Comparative Regulatory Approaches

- **United States:** The Foreign Corrupt Practices Act (FCPA) has increased enforcement globally, focusing primarily on the supply side of bribery in foreign dealings. [3]
- **United Kingdom:** The Bribery Act 2010 provides a comprehensive legal regime that criminalizes both domestic and foreign bribery, with strict liability for corporations.[4]
- **Indonesia:** Legal gaps still exist in regulating private-to-private bribery, with calls for reform to align corruption laws with economic efficiency principles.[5]

3. Challenges in Enforcement

- **Weak Deterrence:** Enforcement remains patchy, especially where institutional integrity is low. High-level officials often escape punishment due to political insulation. [6]
- **Technological Complexity:** The use of cryptocurrencies and digital transfers complicates the detection and prosecution of bribery offenses. [7]
- **Global Coordination:** Multinational enforcement requires cooperation between legal systems, yet efforts remain uneven. [8]

Bribery is deeply rooted in governance and institutional design. Economic theory suggests that increasing the perceived cost of bribery through harsher sanctions and probability of detection can deter such behavior. [9] However, legal reforms must also address the societal normalization of corruption and improve public accountability structures. The rising internationalization of anti-

bribery standards signals progress but underscores the need for consistent enforcement and cultural change.

Conclusion

Bribery continues to threaten economic fairness and institutional trust worldwide. While global legal frameworks like the FCPA and UK Bribery Act mark significant progress, gaps in enforcement, institutional capacity, and political will hinder effectiveness. Combating bribery requires not only robust legislation but also sustained enforcement, cross-border cooperation, and cultural transformation to strengthen ethical governance.

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