

## Anti-Corruption Laws And Public Administration Reform

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**Abstract:** This article explores the legal dimensions of anti-corruption and public administration reform in post-conflict states as essential pillars for rebuilding institutional integrity and sustaining peace. In the aftermath of violent conflict, corruption often thrives in the vacuum of weakened institutions, undermining efforts toward recovery, legitimacy, and development. Using a comparative legal analysis approach, this study examines the effectiveness of legal frameworks—including anti-corruption statutes, independent oversight bodies, public procurement regulations, and whistleblower protection laws—in promoting good governance and restoring public trust. Focusing on selected post-conflict countries in Sub-Saharan Africa and Southeast Asia, the article evaluates how legal reform initiatives are influenced by both international norms, such as the United Nations Convention against Corruption (UNCAC), and local political realities. It highlights the implementation gap between legal commitments and practice, identifying structural constraints such as limited judicial capacity, political interference, and under-resourced oversight institutions. The analysis finds that legal strategies must move beyond punitive enforcement to incorporate preventive and participatory mechanisms that empower civil society, enhance transparency, and institutionalize accountability. The article concludes that sustainable anti-corruption reform in post-conflict settings requires a context-sensitive, rights-based approach aligned with Sustainable Development Goal 16. Legal reforms must not only criminalize corruption but also establish resilient governance systems that uphold the rule of law and democratic accountability.

**Keywords:** Anti-Corruption Law, Public Administration Reform, Post-Conflict Governance, Legal Integrity, SDG 16.

## INTRODUCTION

Corruption is both a cause and a consequence of weak governance, and its effects are especially acute in post-conflict states. These contexts are often characterized by institutional breakdown, contested resource control, weakened rule of law, and widespread mistrust between the state and citizens. In the fragile environment following conflict, public institutions are vulnerable to capture by political or economic elites who exploit weak oversight and limited legal enforcement mechanisms. In such settings, corruption becomes entrenched, not merely as an anomaly, but as a systemic feature of governance (Johnston, 2014; Le Billon, 2003).

The aftermath of conflict presents both challenges and opportunities for legal reform. While state institutions are often in disarray, transitional periods can offer windows of reform that allow for institutional reconfiguration. Anti-corruption laws and public administration reforms are not only essential for restoring trust but also foundational to the reconstruction of legitimate, inclusive, and transparent governance structures. Without addressing corruption, post-conflict reconstruction efforts risk reinforcing the very structures that contributed to instability (Andrews, 2013; Chêne, 2012).

Sustainable Development Goal 16 (SDG 16) of the United Nations 2030 Agenda provides a compelling normative and policy framework for such reforms. It calls for the promotion of “peaceful and inclusive societies,” “access to justice for all,” and the development of “effective, accountable and inclusive institutions at all levels” (United Nations, 2015). In this regard, anti-corruption efforts are not isolated interventions, but are directly linked to peacebuilding, democratic consolidation, and long-term development. Legal strategies that seek to eradicate corruption must therefore be designed in a manner that both reflects international legal norms and responds to local institutional and social realities.

Historically international efforts to combat corruption in post-conflict settings have focused on creating legal frameworks aligned with global standards, particularly the United Nations Convention against Corruption (UNCAC), which emphasizes prevention, criminalization, international cooperation, and asset recovery (UNODC, 2004). However, as numerous case studies have shown, the existence of laws alone is insufficient. In post-conflict states such as Liberia, South Sudan, and Timor-Leste, anti-corruption legislation has often been adopted as part of donor conditionality or international pressure, rather than as a product of domestic political consensus (Van Zyl, 2014; Brinkerhoff, 2005). As a result, implementation is frequently weak or selective, and enforcement institutions are under-resourced or politically constrained.

Post-conflict states face a “governance dilemma”: how to build effective institutions quickly enough to maintain peace and deliver basic services, while simultaneously promoting accountability and the rule of law (Chesterman, 2004). In many cases, transitional governments

are led by former warlords, militia leaders, or political factions with vested interests in maintaining opaque systems of resource control. Legal reforms aimed at curbing corruption must therefore confront entrenched political economies that resist transparency and resist the centralization of formal administrative control (Reno, 1999).

Despite these obstacles, there is growing evidence that legal reform, if strategically designed, can play a transformative role in building integrity in public institutions. Laws that go beyond criminalization and focus on prevention, ethics, transparency, and public engagement are more likely to succeed in transitional settings. For example, legal requirements for public procurement transparency, asset declaration by public officials, protection for whistleblowers, and open government data initiatives have shown promise in reducing opportunities for rent-seeking and empowering oversight actors, including civil society and the media (Fukuyama, 2013; Bacio-Terracino, 2007).

Equally important is the reform of public administration systems, particularly in recruitment, budgeting, and service delivery. Corruption flourishes where rules are opaque and discretion is unmonitored. Building a merit-based civil service, ensuring competitive procurement systems, and establishing independent oversight bodies are vital elements of an anti-corruption legal strategy (OECD, 2017). In Kosovo, for instance, the adoption of digital procurement platforms combined with legal mandates for independent review mechanisms has improved procurement transparency in the aftermath of conflict (World Bank, 2020).

This article therefore seeks to explore the legal and institutional strategies for combating corruption and reforming public administration in post-conflict states. Drawing on case studies from Sub-Saharan Africa, Southeast Asia, and the Balkans, it examines how anti-corruption laws can function not merely as punitive tools but as frameworks for institutional transformation. The central thesis is that legal strategies must be rights-based, context-sensitive, and integrated with broader governance reforms. The study addresses the following guiding questions:

- What types of legal instruments are most effective in addressing corruption in post-conflict states?

- How can legal reforms support administrative capacity and integrity?
- What are the risks of legal formalism without institutional or political support?

In answering these questions, the article contributes to both academic and policy discussions on rule-of-law-based reconstruction and good governance in fragile settings. By grounding the analysis in SDG 16, it also aligns anti-corruption legal reform with global development priorities, recognizing that justice and integrity are not only legal goals but essential pillars for peaceful societies.

## METHOD

This study adopts a qualitative research methodology grounded in comparative legal analysis, aimed at evaluating the legal architecture of anti-corruption and administrative reform in post-conflict states. The selected countries—Liberia, Sierra Leone, Timor-Leste, Kosovo, and South Sudan—represent diverse post-conflict trajectories and legal systems. Each has engaged, to varying extents, with the process of legal reform in response to both internal governance demands and external normative pressures.

Primary sources include constitutional provisions, anti-corruption statutes, public procurement regulations, and institutional mandates derived from official legal texts. These are complemented by international legal frameworks, particularly the United Nations Convention against Corruption (UNCAC) and relevant African Union and European Union anti-corruption guidelines, which serve as international benchmarks for assessing compliance and institutional development (UNODC, 2004; African Union, 2006).

Secondary data were obtained from reputable global organizations such as Transparency International, the United Nations Development Programme (UNDP), and the Organisation for Economic Co-operation and Development (OECD). These sources provide insights into implementation challenges, corruption trends, and institutional effectiveness. Additionally, scholarly literature was reviewed to contextualize legal developments and to identify thematic patterns across jurisdictions (Spector, 2010; Johnston, 2014).

The analysis focuses on four interrelated legal dimensions: (1) the criminalization of corruption in domestic law; (2) the creation and independence of anti-corruption institutions; (3) the development of transparent public procurement frameworks; and (4) the legal protection of whistleblowers and investigative journalists. A doctrinal and comparative approach is used to examine both legal texts and institutional performance, allowing for the assessment of normative alignment with international standards and the practical impact of reforms on institutional integrity and public accountability.

## RESULT AND DISCUSSION

### Institutional Frameworks and Legal Adoption in Post-Conflict States

In many post-conflict states, the establishment of anti-corruption institutions and legal frameworks has become a normative requirement driven by international actors rather than emerging from internal governance reform agendas. The implementation of such frameworks is often tied to donor conditionalities from institutions like the World Bank, International Monetary Fund (IMF), and the United Nations Development Programme (UNDP), which view corruption control as essential to rebuilding state legitimacy and ensuring development effectiveness (Mungiu-Pippidi, 2015; Chêne, 2010). However, the political incentives for these reforms are often shallow, resulting in what has been termed “isomorphic mimicry”—the appearance of institutional reform without substantive change (Andrews et al., 2017).

In Liberia, the Liberia Anti-Corruption Commission (LACC) was established in 2008 following recommendations from international donors and pressure from the Governance and Economic Management Assistance Program (GEMAP). While the LACC has a broad investigative mandate, its prosecutorial authority remains limited, as it must rely on the Ministry of Justice to pursue cases in court. This dependency creates opportunities for executive interference, undermining the commission’s operational autonomy (Sawyer, 2010). Additionally, the LACC has been criticized for low conviction rates and for being unable to tackle corruption involving politically connected individuals (Transparency International, 2022).

In Timor-Leste, the Comissão Anti-Corrupção (CAC) was created in 2010 and was initially lauded for its commitment to transparency and public outreach. The CAC has successfully raised awareness on corruption through civic education and public campaigns. However, its effectiveness in addressing high-level corruption has been constrained by inadequate budget allocations, limited staff with investigative training, and procedural delays in cooperation with the Prosecutor General's Office (UNDP, 2018). Moreover, despite possessing the authority to investigate, it cannot prosecute independently, thus relying heavily on political will to see cases through the justice system.

South Sudan illustrates the most extreme limitations of legal institutionalism in post-conflict settings. Though the country has formalized an anti-corruption commission under the South Sudan Anti-Corruption Commission (SSACC), the body remains largely symbolic. It lacks enforcement powers, functions without a dedicated legal framework or parliamentary accountability, and is widely perceived as captured by political elites (U4 Anti-Corruption Resource Centre, 2021). The absence of judicial independence and the entrenchment of patronage networks have effectively neutralized the commission's role as a watchdog institution.

These cases expose a fundamental structural weakness: while formal anti-corruption institutions exist on paper, their autonomy, enforcement power, and resourcing are often insufficient to ensure institutional integrity. This is not merely a problem of technical design but reflects broader power dynamics within fragile states. Anti-corruption commissions are often created as external-facing institutions to satisfy donor expectations rather than as internally empowered bodies with public legitimacy and institutional leverage (de Sousa, 2010).

| Country     | Year Established | Prosecutorial Independence | Budgetary Autonomy | Perceived Effectiveness |
|-------------|------------------|----------------------------|--------------------|-------------------------|
| Liberia     | 2008             | No                         | Limited            | Low                     |
| Timor-Leste | 2010             | No                         | Moderate           | Moderate                |
| South Sudan | 2009             | No                         | Very Low           | Very Low                |

Table 1 key comparative features of anti-corruption bodies in the three countries. Source: Compiled from UNDP (2018), U4 (2021), Transparency International (2022)

To move beyond symbolic compliance, post-conflict states need to embed anti-corruption institutions within broader governance reforms. This includes guaranteeing functional

independence, ensuring merit-based appointments, and securing sustainable financing mechanisms. Without such measures, legal adoption becomes performative, and institutional frameworks remain hollow.

The participation of civil society, media, and parliamentary oversight bodies is essential to bolstering public trust and ensuring accountability. Legal frameworks that lack citizen engagement and transparency mechanisms tend to be less effective and more vulnerable to manipulation by political elites (Boehm & Sierra, 2015). While the creation of anti-corruption institutions in post-conflict states marks a step toward legal normalization, their limited operational capacity, dependence on political structures, and absence of genuine independence severely curtail their effectiveness. Legal strategies in such contexts must be matched with long-term investments in institutional capacity, judicial independence, and political accountability to deliver meaningful anti-corruption outcomes.

## **The Implementation Gap and the Limits of Formal Legalism**

Although many post-conflict states have adopted anti-corruption legislation aligned with international norms, a persistent implementation gap continues to undermine the transformative potential of such reforms. This gap refers to the discrepancy between formal legal frameworks and their actual enforcement and operationalization. While laws on paper may articulate high standards of institutional integrity and accountability, in practice, enforcement mechanisms remain weak, and outcomes are limited.

This phenomenon is not unique to one country but is observable across several post-conflict contexts. For instance, Timor-Leste's Comissão Anti-Corrupção (CAC) operates under a robust legal mandate. However, its effectiveness is curtailed by insufficient investigative training, a lack of financial and technical resources, and dependency on political institutions for prosecution decisions (UNDP, 2016; Braithwaite et al., 2012). Similarly, South Sudan has formally enacted anti-corruption laws but lacks even the foundational elements of a functioning bureaucracy, such as reliable payroll systems, transparent budgeting, and professionalized public service recruitment

(U4 Anti-Corruption Resource Centre, 2020; De Waal, 2014). This results in a scenario where legal reforms amount to symbolic gestures rather than meaningful institutional change.

A key contributor to this implementation failure is the absence of broader public administration reform. Anti-corruption strategies that concentrate narrowly on criminalization and prosecution are unlikely to succeed unless supported by improvements in governance systems—particularly merit-based recruitment, salary competitiveness, and career advancement incentives based on performance and integrity. In Liberia, although the Liberia Anti-Corruption Commission (LACC) has a legal mandate to investigate high-level corruption, the absence of an independent prosecutorial mechanism severely limits its capacity to bring offenders to justice (USAID, 2019; Sawyer, 2008).

The lack of coordination between transitional justice mechanisms and anti-corruption frameworks also contributes to institutional fragmentation. In many post-conflict settings, transitional justice efforts—such as truth commissions or reparations programs—operate in parallel to anti-corruption agencies, often with overlapping mandates and limited communication. This disjointed architecture undermines holistic justice and creates ambiguity in legal responsibilities, leading to inefficiency and turf wars (Boege et al., 2008; Sriram, 2007).

Another critical shortfall is the failure to institutionalize protections for whistleblowers, investigative journalists, and civil society watchdogs. In fragile contexts such as Liberia and South Sudan, where whistleblower protection laws are either weak or nonexistent, individuals who report corruption are exposed to significant personal and professional risk. Without legal and physical safeguards, potential whistleblowers are deterred from coming forward, reducing the flow of information necessary for effective oversight (Transparency International, 2021; Banisar, 2011). Furthermore, this absence of protective legislation weakens public trust and discourages civic engagement both essential components of accountability in transitional governance.

The focus on form over function that is, adopting laws to meet international or donor-driven benchmarks without ensuring corresponding institutional capacity is a recurring pattern. While such formal legalism may satisfy immediate political or financial conditionalities, it does little to

build enduring integrity systems. In post-conflict countries like Kosovo, successful implementation of anti-corruption reforms has required not only legislative alignment but also the deployment of e-procurement platforms, judicial training, and public sector audits—highlighting the importance of an ecosystem approach rather than isolated legal fixes (World Bank, 2020; OECD, 2017).

The implementation gap in post-conflict anti-corruption reform reflects deeper structural and institutional weaknesses. Legal texts alone cannot transform governance landscapes unless accompanied by administrative reform, capacity-building, and inclusive civic participation mechanisms. Bridging this gap demands not only legislative effort but also political will, resource allocation, and a shift from symbolic compliance to substantive transformation.

## **Public Procurement and Preventive Legal Strategies**

Public procurement represents one of the most corruption-prone sectors in post-conflict environments, where institutional oversight is often weak and the influx of reconstruction funding creates lucrative opportunities for rent-seeking. Despite its significance, procurement reform is frequently overlooked in anti-corruption agendas, which tend to focus narrowly on criminalization and reactive enforcement. This omission constitutes a critical gap, as procurement accounts for a substantial portion of public expenditure—estimated at 15–30% of GDP in many low-income countries (World Bank, 2020). When poorly regulated, procurement becomes a conduit for elite capture, patronage networks, and embezzlement.

In contrast, countries that have prioritized procurement transparency through preventive legal strategies demonstrate more encouraging outcomes. For example, Kosovo stands out among post-conflict states for its comprehensive integration of e-procurement platforms and open contracting laws, alongside a proactive Anti-Corruption Agency and legal protections for whistleblowers introduced in 2011 (OECD, 2017; Transparency International, 2020). These reforms have not only enhanced transparency but also reduced opportunities for collusion, as procurement data is now accessible to oversight bodies, civil society, and journalists.

Similarly, Timor-Leste has made progress by enacting its Whistleblower Protection Law (2017) and integrating citizen oversight into municipal procurement processes. Despite capacity constraints, civil society groups have been empowered to monitor school construction contracts and local government budgets, contributing to improved accountability and service delivery (UNDP, 2019). While these initiatives remain limited in scale, they illustrate the potential of participatory governance as a preventive mechanism.

A further example of legal innovation is the implementation of asset declaration regimes for public officials. In Sierra Leone, the Anti-Corruption Commission requires public servants to disclose assets, income, and liabilities annually—a measure aimed at detecting illicit enrichment and conflicts of interest (Afrobarometer, 2019). Although enforcement has been inconsistent, the law has raised public awareness and contributed to a growing culture of accountability.

Ethics training and codes of conduct for public officials, as implemented in Rwanda, have played a pivotal role in promoting integrity within the civil service. These training programmes, supported by legal mandates, are often complemented by internal audit mechanisms and performance-based evaluations (Transparency International Rwanda, 2021). Such practices reflect a shift toward administrative ethics as a systemic tool, rather than relying solely on criminal prosecution.

Legal strategies that emphasize prevention over punishment not only help to deter corruption but also reduce administrative bottlenecks and enhance trust in public institutions. According to Banisar (2011), whistleblower protections, public registers, and access to information laws form the backbone of transparent governance. When such tools are enshrined in law and adequately resourced, they create multiple entry points for accountability and discourage the discretionary use of public power.

Preventive approaches are also supported by international frameworks, including the United Nations Convention against Corruption (UNCAC), which underscores the importance of transparent procurement systems and the active participation of non-state actors in anti-corruption efforts (UNODC, 2004). The OECD's Guidelines on Managing Conflict of Interest similarly

recommend that procurement and personnel decisions be subject to independent review and public disclosure (OECD, 2015).

Nevertheless, challenges remain. Many post-conflict states continue to suffer from limited technical expertise, fragmented data systems, and political resistance to transparency reforms. In South Sudan, for instance, the absence of basic procurement regulations and central oversight structures has enabled systemic corruption to flourish within public contracting processes (U4 Anti-Corruption Resource Centre, 2020).

Public procurement is a critical front in the fight against corruption, especially in fragile post-conflict settings. Countries that embed preventive legal strategies—such as digital procurement systems, whistleblower laws, and citizen engagement—within broader governance reforms are more likely to achieve sustainable improvements in institutional integrity. While enforcement remains a challenge, preventive legalism offers a promising pathway for states seeking to rebuild trust, strengthen administrative legitimacy, and fulfill the normative aspirations of SDG 16.

## CONCLUSION

The legal fight against corruption in post-conflict states must extend far beyond punitive criminal law provisions. While the criminalization of corrupt practices is an essential component of any anti-corruption regime, it is insufficient if not embedded within broader administrative reforms and sustained political commitment. This study underscores the need for a holistic and preventive legal approach—one that integrates institutional design, procedural safeguards, and citizen engagement into the core of governance rebuilding processes. In fragile post-conflict contexts, where state legitimacy is often in question and institutional capacity remains weak, legal reforms must be contextually grounded, realistically implementable, and publicly trusted.

The findings reveal that although anti-corruption frameworks exist on paper in many post-conflict states—such as Liberia, Timor-Leste, and Kosovo—their operational effectiveness remains constrained by limited enforcement, political interference, and the absence of strong

public administration systems. Legal strategies must be accompanied by capacity development initiatives, independent oversight mechanisms, merit-based recruitment in civil services, and transparent public procurement systems. Simply adopting international legal standards without ensuring local ownership and sustainability results in form without substance.

To align with Sustainable Development Goal 16 promoting peace, justice, and strong institutions anti-corruption reform in post-conflict governance must prioritize both structural integrity and functional performance. Legal frameworks should not only be drafted to meet donor requirements but must also be institutionalized in practice through inclusive, transparent, and accountable systems. Public participation, whistleblower protection, and civil society oversight must be central pillars of the reform agenda. The future of anti-corruption in post-conflict governance hinges on the transition from reactive enforcement to proactive prevention. It requires legal strategies that are not only technically sound but also socially legitimate and democratically anchored. Only then can post-conflict states build resilient, just, and transparent institutions that foster long-term peace and development.

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