Anti-Corruption Law in Asia

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Abstract: Corruption remains a large problem in almost all parts of Asia, evidenced for example by the Corruption Perceptions Index (CPI) of Transparency International (TI). Decades of national law reform, increasingly supported by various international organisations, run up against mixed legacies from diverse customary and religious values (such as *guanxi*), colonial history, often authoritarian politics, and economic realities (including strong business-state links still in many countries). Some dramatic successes are mostly due to consistent and unbiased political will, and well-resourced anti-corruption agencies and other independent institutions. This chapter gives a sense of the regional diversity, focusing mainly on countries with varying scale for population, socio-cultural contexts, political regimes, economies and legal traditions: Singapore, Japan, South Korea, Malaysia, China, Indonesia and India (ranked from least to most corrupt by CPI).

1. INTRODUCTION

Corruption remains a large problem in South Asia (except in Bhutan), most parts of Southeast Asia (Singapore being the biggest exception), and some parts of North Asia (Hong Kong and Japan being also the least corrupt),[1] evidenced for example by the Corruption Perceptions Index (CPI) of Transparency International (TI).

Table 1: TI's CPI Rankings by Asian Jurisdiction (2012 and 2025)[2]

Singapore	Hong Kong	**Japan**	Bhutan	Taiwan	**South Korea**	**Malaysia**
5 / 3	14 / 12	**17 / 18**	33 / 18	37 / 24	**45 / 31**	**54 / 54**
China	**India**	Maldives	Vietnam	**Indonesia**	Sri Lanka	Mongolia
80 / 76	**94 / 91**	N/A / 91	123 / 81	**118 / 109**	79 / 107	94 / 124
Thailand	Philippines	Nepal	Papua New Guinea	Laos	Myanmar	Bangladesh
88 / 116	105 / 120	139 / 109	150 / 142	160 / 109	172 / 169	144 / 150
Cambodia	North Korea					
157 / 163	174 / 172					

To encourage sustainable and equitable development, efforts have been made for decades to improve substantive law (primarily anti-corruption law, but also eg government procurement laws) and related institutional arrangements (such as independent anti-corruption agencies) on corruption and bribery.

Yet engrained corruption regionally is partly linked to strong customary social norms favouring the building and sustaining of personal, family or community relationships. A notable example is *guanxi* in Chinese culture, extending around much of Southeast Asia due to the diaspora

[1] This chapter does not analyse Central Asia due to significantly different histories, cultures and economies.
[2] https://www.transparency.org/en/cpi/2012; https://www.transparency.org/en/cpi/2025 (bolded jurisdictions with rankings analysed further below)

from mainland China.[3] Such customary norms are underpinned by norms of reciprocity and/or patronage (as in Thailand[4]), extending into private-public settings.

This is compounded by a strong tradition of the "developmental state" (state-directed capitalism).[5] Sometimes that can be linked to colonialism, such as the 'Licence Raj' in India.[6] However the developmental state also characterised countries never colonised (notably Thailand and Japan),[7] and strong aspects persisted until at least the 1980s in other major Asian economies (such as Korea).[8] In addition, direct and indirect state control of the economy remains a persistent feature of socialist systems including the People's Republic of China (PRC), Vietnam and Laos, despite significant internal and external market liberalisation since the end of the Cold War.[9] More state direction and involvement brings more opportunities for corruption of public officials – the main concern of laws and enforcement agencies (although legal regimes described below sometimes also regulate private corruption).

Jurists have been more consistently concerned about corruption as they emphasise wider transparency and rule of law values. By contrast, some economists after World War II were somewhat more sanguine, arguing occasionally that low-level corruption can enhance economic efficiency and growth by allowing private parties (by bribing officials or politicians) to get around archaic regulations that may be hard to change. This underpins legal regimes excusing minor "facilitation payments", as outlined below. Even now, moreover, there are quantitative studies correlating low-level corruption with significant economic growth.[10] Yet such results do not exclude arguments for improving lawmaking and implementation to achieve better efficiencies, while scaling back corruption levels.

Furthermore, other economists have reached different findings – linking corruption instead to poor economic outcomes – and major international organisations (with many economists as

[3] John E Butler, Brad Brown and Wai Chamornmarn, 'Guanxi and the Dynamics of Overseas Chinese Entrepreneurial Behaviour in Southeast Asia' in J T Li, Anne S Tsui and Elizabeth Weldon (eds), *Management and Organizations in the Chinese Context* (Palgrave Macmillan, 2000).
[4] Sirilaksana Khoman, Luke Nottage and Sakda Thanitcul, 'Foreign Investment, Corruption, Investment Treaties and Arbitration in Thailand' in Nobumichi Teramura, Luke Nottage and Bruno Jetin (eds), *Corruption and Illegality in Asian Investment Arbitration* (Springer, 2024), a longer version is available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4407011.
[5] Meredith Woo-Cumings (ed) *The Developmental State* (Cornell University Press, 1999); Shigehisa Kasahara, 'The Asian Developmental State and the Flying Geese Paradigm' (2013) *United Nations Conference on Trade and Development: Conference Papers* 1.
[6] Ronald J Herring, 'Embedded Particularism: India's Failed Developmental State' in Meredith Woo-Cumings (ed), *The Developmental State* (Cornell University Press, 1999).
[7] Hironori Sasada, *The Evolution of the Japanese Developmental State: Institutions Locked in by Ideas* (Routledge 2013); Chalmers Johnson, *Japan, Who Governs?: The Rise of the Developmental State* (Norton 1995); Long Hai Vo, 'An Overview of Development State in Thailand: Formation and Implementation of State Capacity' (2013) 3 *New Zealand Review of Economics and Finance* 20.
[8] Veerayooth Kanchoochat, 'Tigers at Critical Junctures: How South Korea, Taiwan and Singapore Survived Growth-Led Conflicts' in Yusuke Takagi, Veerayooth Kanchoochat and Tetsushi Sonobe (eds), *Developmental State Building: The Politics of Emerging Economies* (Springer, 2019); J J Woo, *The Evolution of the Asian Developmental State: Hong Kong and Singapore* (Routledge 2019).
[9] John B Knight, 'China as a Developmental State' (2014) 37 *World Economy* 1335; Andrzej Bolesta, *China and Post-Socialist Development* (Bristol University Press 2022); Thaveeporn Vasavakul, *Vietnam: A Pathway from State Socialism* (Cambridge University Press 2019); Brendan M Howe and Seo Hyun Rachelle Park, 'Laos: The Dangers of Developmentalism?' (2015) 2015 *Southeast Asian Affairs* 167.
[10] Ahmed M Khalid, 'Does Corruption Hinder FDI and Growth in Asia and Beyond? The Grabbing versus Helping Hand Revisited' in Nobumichi Teramura, Luke Nottage and Bruno Jetin (eds), *Corruption and Illegality in Asian Investment Arbitration* (Springer, 2024); Bruno Jetin, Jamel Saadaoui and Haingo Ratiarison, 'The Effect of Corruption on Foreign Direct Investment at the Regional Level: A Positive or Negative Relationship?' in Nobumichi Teramura, Luke Nottage and Bruno Jetin (eds), *Corruption and Illegality in Asian Investment Arbitration* (Springer, 2024).

staff or consultants) now actively promote anti-corruption initiatives, as we discuss below. This may be connected to more transparency around bribery scandals since the spread of social media, including around Asia. Earlier, heightened visibility and concern around corruption arose during and following the Asian Financial Crisis (AFC) in 1997, often being connected to wider "crony capitalism". Organisations like the World Bank and International Monetary Fund (IMF), involved in bailing out some Asian economies, urged adoption of new or stronger anti-corruptions laws or agencies.[11] Furthermore, the AFC precipitated the fall of the Soeharto dictatorship in Indonesia in 1998, triggering establishment of a new anti-corruption regime.[12]

Somewhat similarly to significant diversity in perspectives among economists, some political scientists argue that we must differentiate various types of corruption to compare their effects. Yuen Yuen Ang distinguishes among:[13]

- "**Petty theft** … acts of stealing, misuse of public funds, or extortion among street-level bureaucrats.
- **Grand theft** … embezzlement or misappropriation of large sums of public monies by political elites who control state finances.
- **Speed money** … petty bribes that businesses or citizens pay to bureaucrats to get around hurdles or speed things up.
- **Access money** … high-stakes rewards extended by business actors to powerful officials, not just for speed, but to access exclusive, valuable privileges."

She further categorises each type in terms of whether the corrupt side is part of an elite or not, and unilaterally extracts value (like "theft") or provides something in exchange. She observes that elites extracting "access money" from businesses (as in America's late nineteenth century "Gilded Age", and *guanxi*-based mainland China nowadays) is not always illegal even under contemporary laws. "Access money" may contribute to economic growth overall (perhaps like "speed money" paid to non-elites), yet this type of corruption is usually illegal and still generates various costs – including exacerbation of socio-economic inequalities.

Table 2: Types and Effects of Corruption Generally

	Theft or exchange	Elites or non-elites	Legality	Economic effects
Petty theft	Theft	Non-elites	Illegal	Growth-damaging
Grand theft	Theft	Elites	Illegal	Growth-damaging
Speed money	Exchange	Non-elites	Illegal	Shortens delays but imposes cost

[11] William C Hunter, George G Kaufman and Thomas H Krueger (eds), *Asian Financial Crises: Origins, Implications and Solutions* (International Monetary Fund, 2001).
[12] Simon Butt, *Corruption and Law in Indonesia* (Routledge 2012).
[13] Yuen Yuen Ang, *China's Gilded Age: The Paradox of Economic Boom and Vast Corruption* (Cambridge, Cambridge University Press 2020) 10. Our Table 2 below is adapted from ibid, Table 1.1. In that Table, Ang includes a further column with related explanation analogising theft-based corruption to toxic drugs, whereas speed money is like a painkiller and access money is like a steroid (growth-enhancing but with serious side effects).

Access money	Exchange	Elites	Legal and non-illegal	Stimulates growth but generates distortions, risks, and inequality

Similarly, Gomez criticises Malaysia's structural or "grand corruption", persisting despite the long-dominant political party losing power in 2018. This too involves exchange-based relationships among political and business elites to secure mutual benefits, not necessarily captured by its anti-corruption laws.[14] However, it is beyond the scope of this chapter to review this wider type of corruption; instead, we focus on types that are illegal under major instruments such as UNCAC – and mostly on public corruption, but with some references to private corruption.

In addition, the socio-economic and political circumstances as well as trajectories of anti-corruption law and implementation vary extensively cross Asia. Nonetheless, to begin drawing some useful comparisons and conclusions we concentrate on several countries with diverse backgrounds, including political traditions. These comprise the largest Asian countries by population and landmass (**China** and **India**, with secular regimes but, for India, mostly Hindu citizens); **Indonesia** as another very large country (all three with still very serious corruption), **Malaysia** as a middle-income economy (similarly with a large Muslim majority, but middling corruption levels); **Japan** and **South Korea** as highly-developed economies with large populations in confined landmasses (with Buddhist, Confucian, animist and, for Korea, significant Christian groups) with much lower levels of corruption (especially post-War Japan); and multi-religious, highly developed but tiny **Singapore** (achieving very low levels of corruption by the 1980s).

2. SOURCES AND CONTEXT OF ANTI-CORRUPTION LAW

2.A Legislation Case Law and Soft Law

Most countries now typically have standalone anti-corruption legislation (quite often amended or replaced) and subsidiary regulations, supplemented by various statutes more broadly facilitating the fight against corruption.[15] Enactments of new laws and amendments of old legislation directed specifically at corruption have helped generate and/or get influenced two main international treaties (both outlined below): the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (Anti-Bribery Convention, adopted in 1997 and in force from 1999), and the United Nations Convention Against Corruption (UNCAC, adopted in 2003 and in force from 2005). UNCAC now has near-universal membership globally, including all Asian states (other than North Korea),[16] whereas the Anti-Bribery Convention binds all 38 members of the Paris-based Organisation for International Co-operation and Development (OECD, including Japan and Korea) plus eight non-OECD members (none from Asia).[17]

There exist varying amounts and influence in case law across Asia interpreting such legislation or its predecessors. Occasionally this reflects low levels of underlying corruption, notably in Singapore – now with few cases investigated and decided annually (but a very high conviction

[14] Edmund Terence Gomez, *Misgovernance: Grand Corruption in Malaysia* (Penguin Random House SEA 2025).
[15] Ibid.
[16] https://treaties.un.org/pages/showDetails.aspx?objid=0800000280055f36
[17] https://www.oecd.org/content/dam/oecd/en/topics/policy-sub-issues/fighting-foreign-bribery/WGB_Ratification_Status-August_2024.pdf

rate).[18] Some cases also were brought against senior figures in Singapore's largely one-party political establishment, including Minister Teh Cheang Wan.[19] Gradual accumulation of Singaporean case law nonetheless has helped elucidate the main legislation, *the Prevention of Corruption Act* (PCA), in important respects.[20]

By contrast, Malaysia (still with middling levels of corruption) has many more annual prosecutions but a lower conviction rate,[21] hence comparatively fewer detailed judgments, appeals and precedents. Among common law jurisdictions maintaining high levels of corruption like India, linked to structural and political problems in enforcement described below, the apex Supreme Court has generated some important binding precedents, the accretion of case law is impeded by chronic delays and relatedly significant corruption particularly in lower courts.

Such problems are even worse in Indonesia, which moreover follows the civil law tradition. China similarly does not operate on a common-law precedent basis; instead, the huge absolute numbers of prosecutions, convictions and judgments (especially under President Xi's administration since 2012) are sometimes synthesised into binding interpretations from the Supreme People's Court and Supreme People's Procuratorate.[22] Lack of clarity is intensified by the Central Commission for Discipline Inspection (CCDI) internal to the Chinese Communist Party (CCP) investigating and convicting for CCP discipline violations, so many corruption cases do not proceed anyway to courts – which also lack the independence of judges characteristic of common law judges.[23]

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[18] For example, Singapore's cases registered for formal investigation have been trending down for three decades, with well under 100 annually over 2023-5 (and over 100 individuals prosecuted annually, with 97-99% convicted and often given lengthy custodial sentences), compared to higher volumes in its anti-corruption clean-up over the 1960s and 1970s: Corrupt Practices Investigation Bureau (CPIB), 'Firm Enforcement, Strong Partnerships Key To Securing A Corruption Free Singapore', *Press Release,* 28 May 2025, available at https://www.cpib.gov.sg/firm-enforcement-strong-partnerships-key-to-securing-a-corruption-free-singapore/; Melanie Ho and Tang Shangwei, 'Bribery & Corruption Laws and Regulations 2026 – Singapore', *Global Legal Insights,* available at https://www.globallegalinsights.com/practice-areas/bribery-and-corruption-laws-and-regulations/singapore/#_edn13.

[19] He committed suicide in 1986 before he could be formally prosecuted. Others were Member of Parliament Phey Yew Kok (who absconded in 1980 but returned in 2015 for prosecution), and Minister S Iswaran (sentenced in 2024): Jon ST Quah, 'Lee Kuan Yew's Role in Minimising Corruption in Singapore' (2022) 25 *Public Administration and Policy* 163, 173; Prime Minister Office Singapore, 'Statement by PM Lawrence Wong on the Sentencing of Mr S Iswaran', *Press Release,* 3 October 2024, available at https://www.pmo.gov.sg/newsroom/statement-by-pm-lawrence-wong-on-the-sentencing-of-mr-s-iswaran/.

[20] For example, in *Tey Tsun Hang v Public Prosecutor* [2014] SGHC 39, a former National University of Singapore (NUS) law professor was convicted of six charges under PCA s 6(a) for corruptly receiving gratification from a student as an inducement for showing favour in academic assessments. The High Court on appeal overturned the conviction, finding that the gratification was not an inducement and there was no objective corrupt element — the student was in love with the professor and had no intention to seek academic favors. The case was significant for clarifying the legal elements of a corruption offence, including the requirements of inducement/reward, objective dishonesty, and guilty knowledge. In *Public Prosecutor v Takaaki Masui et al* [2022] 1 SLR 1033, regarding the scope of penalty orders under PCA s 13(1) after a Japanese court proceeding, the Court of Appeal clarified that the provision's legislative purpose is to prevent corrupt recipients from retaining ill-gotten gains and to disgorge the gratification sum from the recipient.

[21] Bernama Staff Writer, 'MACC Uncovers High-profile Cases, Recovers Assets Worth Over RM8.4 Bln As of Nov 30', *Bernama,* 23 December 2025, available at https://www.bernama.com/en/news.php/general/crime_courts/news.php?id=2505694.

[22] Jianlong Liu, 'Judicial Interpretation in China' in Mahendra Pal Singh and Niraj Kumar (eds), *The Indian Yearbook of Comparative Law 2018* (Springer, 2019).

[23] Nate Sibley, 'Six Myths about China's Anti-Corruption Campaign', *Hudson Institute Reports,* 15 March 2023, available at https://www.hudson.org/corruption/six-myths-about-china-anti-corruption-campaign.

South Korea, with corruption levels similar to Malaysia in 2012 but some recent improvement, has generated some high-profile anti-corruption case law after its military-dominated authoritarianism (1961-87). Corruption convictions have extended dramatically to four former presidents and heads of many chaebol conglomerates, closely connected to the government (and estimated still to control around 80% of economic activity).[24] However, the impact is offset by a pattern of soft sentencing (especially on appeal) combined often with later presidential pardons, also outlined in Part 3 below.[25]

Japan has had consistently low levels of corruption, but some earlier high-profile case law.[26] Lockheed's bribery scandal in 1976 led to Kakuei Tanaka (Prime Minister over 1972-4) being convicted in 1983. It generated significant campaign finance reforms as well as the US enacting the *Foreign Corrupt Practices Act 1977* (FCPA).[27] The1988-9 scandal involving Recruit issuing pre-listing shares to politicians and insiders brought down the government and tainted three former Prime Ministers.[28] However, only 12 people were indicted on bribery charges, and many politicians escaped indictment because the benefits were characterised as stock trades rather than direct bribes.[29]

Japan has also come under pressure through the OECD to increase prosecutions, convictions and therefore deterrent case law. Its Working Group on Bribery under the 1997 Convention has conducted multiple 'peer reviews'.[30] Japan's *Unfair Competition Prevention Act (UCPA)*, from

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[24] Jung Da-hyun, 'From Roh to Yoon: History of Korea's Arrested Presidents', *The Korea Times,* 19 January 2025, available at https://www.koreatimes.co.kr/southkorea/politics/20250119/from-roh-to-yoon-history-of-koreas-arrested-presidents; James Griffiths, 'The Sprawling Corruption Scandal That Rocked South Korea', *CNN World,* 25 August 2017, available at https://edition.cnn.com/2017/08/25/asia/south-korea-corruption-scandal-park-samsung.

[25] Da-hyun, 'From Roh to Yoon: History of Korea's Arrested Presidents'; Kim Tong-Hyung, 'South Korea to Pardon Samsung's Lee, Other Corporate Giants', *AP News,* 12 August 2022, available at https://apnews.com/article/crime-south-korea-park-geun-hye-lee-jae-yong-1ecd013e2f44096f56881b7185bed5f5.

[26] Matthew M Carlson, 'Corruption, Leadership, and the Limits of Political Reform in Japan' (2022) 25 *Public Administration and Policy* 124; James Sterngold, 'Acquittal in Recruit Bribery Case Stuns Japan', *New York Times,* 28 September 1994, available at https://www.nytimes.com/1994/09/28/world/acquittal-in-recruit-bribery-case-stuns-japan.html; Sam Jameson, 'Former Official Is Acquitted in Japan Bribe Case : Asia: First Verdict Involving a Politician in Recruit Scandal Is Setback in Anti-corruption Battle', *Los Angeles Times,* 28 September 1994, available at https://www.latimes.com/archives/la-xpm-1994-09-28-mn-44037-story.html.

[27] Tanaka was bribed to facilitate selling Lockheed aircraft to All Nippon Airways. Tanaka was arrested in July 1976, indicted (with others), and convicted in 1983, sentenced to four years' imprisonment and fined 500 million yen: Japan Times Writer, 'A Generation Removed from Scandal', *The Japan Times,* 1 August 2006, available at https://www.japantimes.co.jp/opinion/2006/08/01/editorials/a-generation-removed-from-scandal/. Prime Minister Takeo Miki (1974-6) used the scandal's momentum to pass the most significant campaign finance reform since the American-led Occupation (1945-52): Carlson, 'Corruption, Leadership, and the Limits of Political Reform in Japan'. Yet Tanaka continued to control the largest faction of the long-dominant Liberal Democratic Party (LDP) and exercise major influence over the selection of subsequent prime ministers until dying in 1993: Writer, 'A Generation Removed from Scandal'.

[28] Sterngold, 'Acquittal in Recruit Bribery Case Stuns Japan'.

[29] In 1994, former Chief Cabinet Secretary Takao Fujinami was found not guilty because prosecutors failed to prove a direct quid pro quo—highlighting the strict evidentiary standards under Japanese bribery law. The scandal nonetheless catalysed the major 1994 political reforms banning corporate donations to individual politicians: Jameson, 'Former Official Is Acquitted in Japan Bribe Case : Asia: First Verdict Involving a Politician in Recruit Scandal Is Setback in Anti-corruption Battle'; Nippon.com Writer, 'Is Japan's Political Funds Control Act Working as Intended?', *Nipponcom,* 5 March 2024, available at https://www.nippon.com/en/japan-data/h01909/.

[30] Escalating Phases 1, 2, 3, and 4, making 17 recommendations to improve enforcement – perceived as 'not commensurate with the size and export-oriented nature of its economy or the high-risk regions and sectors in which its companies operate': OECD, *Implementing the OECD Anti-Bribery Convention Phase 4 Follow-Up Report: Japan* (OECD Publising 2021) 5.

1998 criminalising bribery of foreign public officials under the Convention, was substantially amended in 2023 accordingly. [31]

Already, given Japan's growing foreign direct investment (FDI) into developing economies from the 1980s – particularly in Asia, with historically high risks of corruption – its Ministry of External Trade and Industry (METI) issued and revised *Guidelines for the Prevention of Bribery of Foreign Public Officials*.[32] Such measures also can help reduce bribery offshore. Their impact is even stronger in China, for example, which criminalised bribery of foreign officials by amending in 2011 the Criminal Law.[33] Powerful guidance comes from the CCDI and the National Supervision Commission (NSC), integrated since 2018.[34]

Firms in Japan and Korea, as OECD member states, are also subject to the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (first introduced in 1976).[35] Complaints, including about bribery, can be made to National Contact Points (NCPs) for investigation and recommendations[36] -- disclosed on their database.[37] Yet reported bribery allegations are rare.[38] As even softer law, the opt-in United Nations Global Compact (launched in 2000) now has over 20,000 company participants world-wide,[39] but relatively few SMEs from Asia.[40]

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[31] This includes raising penalties and adopting the 'principle of nationality' so Japanese persons who bribe foreign officials abroad are punishable: UCPA, Art 18.

[32] Kaede Toh and Junyeon Park, 'Japanese Ministry of Economy, Trade and Industry Updates Guidance to Prevent Foreign Bribery', *FCPA Professor,* 12 July 2021, available at https://fcpaprofessor.com/japanese-ministry-economy-trade-industry-updates-guidance-prevent-foreign-bribery/. However, the apex Supreme Court in 1985, and the *Administrative Procedures Act* 1993 clarified that 'administrative guidance' by regulators cannot be forced onto firms, and such 'soft law' has generally been become less pervasive as Japan has deregulated particularly since the 1990s.

[33] Kyle Wombolt and David Chen, 'China: Crackdown on Corporate Misconduct Prompts Regulatory Changes and Enforcement Uptick', *Global Investigations Review,* 31 October 2025, available at https://globalinvestigationsreview.com/guide/the-practitioners-guide-global-investigations/2026/article/china-crackdown-corporate-misconduct-prompts-regulatory-changes-and-enforcement-uptick.

[34] Vivienne Bath and Tianqi Gu, 'Foreign Investment, Investment Treaties and Corruption in China and Hong Kong' in Nobumichi Teramura, Luke Nottage and Bruno Jetin (eds), *Corruption and Illegality in Asian Investment Arbitration* (Springer, 2024) 215. As part of China's anti-corruption campaign targeting the overseas activities of SOEs, the Supervision Commission has conducted more than 20 inspection tours of central SOEs (ie, SOEs managed by the central government) since 2013, finding out that many large central SOEs, such as Petro China and China National Offshore Oil Corporation, have provided weak oversight of their offshore subsidiaries, posing a risk of overseas corruption.

[35] OECD, *OECD Guidelines for Multinational Enterprises on Responsible Business Conduct* (OECD Publishing 2023), https://doi.org/10.1787/81f92357-en.

[36] OECD, 'National Contact Points for Responsible Business Conduct' (n.d.), available at https://www.oecd.org/en/networks/national-contact-points-for-responsible-business-conduct.html (accessed 3 July 2026).

[37] OECD, 'National Contact Points for Responsible Business Conduct Database' (n.d.), available at https://www.oecd.org/en/networks/national-contact-points-for-responsible-business-conduct/database.html?orderBy=mostRelevant&page=0 (accessed 3 July 2026).

[38] According to the database, 13 complaints were filed to the Japanese NCP, while 24 complaints were filed to the South Korean NCP.

[39] United Nations Global Compact, 'Our Participans' (n.d.), available at https://unglobalcompact.org/what-is-gc/participants (accessed 3 July 2026).

[40] The initiative, requiring its companies to implement systems to avoid corruption, operates through 60 Country Networks and five regional hubs: United Nations Global Compact, '2025: A Year of Accelerating Sustainable Business', *Compact Journal,* 16 December 2025, available at https://unglobalcompact.org/compactjournal/2025-year-accelerating-sustainable-business. Europe has been the dominant region for membership, including many SMEs, with North America relatively under-represented. Asia has some 15 Country Networks and, while it 'has a lower proportion of SME participants than other regions, it is home to the highest percentage of company participants in the UN Global Compact': United Nations Global Compact, 'Engage Locally: Asia and Oceania'

Investment or other chapters in Free Trade Agreements (FTAs), that have proliferated including around Asia bilaterally and regionally, or standalone Bilateral Investment Treaties (BITs) quite often have provisions that discourage corruption. However, this is mostly indirect and relevant provisions in such treaties depend significantly on each state's level of corruption already plus its net FDI importer or importer status or trend.[41] Even the provision conditioning protection for foreign investors on compliance with host state law, including corruption, may not add much extra incentive to avoid bribery.[42]

Additionally, an "epistemic community" centred on anti-corruption agencies and related experts is starting to spread across Asia. However, there are limits including comparatively strong norms of "non-interference" in others' domestic affairs and mostly this focuses on capacity-building. In the end, Asian states' and jurisdictions' diverse backgrounds and some disagreements on corruption, together with their focus on national interest, have been preventing them from forming an Asian approach to corruption especially in investment law governance.[43] Even Singapore's sustained efforts to "export" anti-corruption among Asian neighbours have born little direct fruit.[44]

2.B Main Scope of Anti-Corruption Law

The UNCAC helpfully delimits the main types of corruption, and most legislation of contracting states prohibit each, at least on paper. However, leaving detailed definitions to member state laws, it catalogues types and degrees to which each should be prohibited. UNCAC cover public sector bribery (mandatory prohibition), foreign bribery (mandatory for active bribe-giving), embezzlement by officials (mandatory), and then various offences that states retain discretion to prohibit including trading in influence, abuse of functions, illicit enrichment, and private sector bribery (eg of competitor employees) and embezzlement. UNCAC also promotes international collaboration in information exchange and enforcement, asset recovery and capacity building.

Reforms to the main anti-corruption statutes in Asia, or related laws, have also often been prompted by scandals or economic upheavals like the Asian Financial Crisis (AFC) over 1997-8. Many countries have gradually added laws that help address corruption, even if primarily aimed at other problems. Examples include whistleblower protection, transparency in government procurement, anti-money laundering restrictions, asset declaration requirements

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(n.d.), available at https://unglobalcompact.org/engage-locally/asia (accessed 9 July 2026). The Compact held its inaugural 'Forward Faster Now' regional flagship event for Asia & Oceania in Kuala Lumpur in August 2024, organized in collaboration with Country Networks and offices in the region: https://events.unglobalcompact.org/forwardfasternow_asiaoceania/Home.

[41] Nobumichi Teramura and Luke Nottage, 'Corruption-related Provisions in East and South Asian Investment Agreements: An Empirical Analysis' (2025) 28 *Journal of International Economic Law* 157.

[42] The lack of inter-state dispute settlement on this point is also characteristic of the recent WTO's Investment Facilitation for Development Agreement, which Asian states may accede to 'improve the investment and business climate and make it easier for investors in all sectors of the economy to invest, conduct their day-to-day business and expand their operations': https://www.wto.org/english/tratop_e/invfac_public_e/invfac_intro_e.htm. See also Nobumichi Teramura, Luke Nottage and Bruno Jetin, 'Bribery and Other Serious Investor Misconduct in Asian Investment Arbitration' in Nobumichi Teramura, Luke Nottage and Bruno Jetin (eds), *Corruption and Illegality in Asian Investment Arbitration* (Springer, 2024).

[43] Nobumichi Teramura, Luke Nottage and Bruno Jetin, 'Towards a More Harmonised Asian Approach to Corruption and Illegality in Investment Arbitration' in Nobumichi Teramura, Luke Nottage and Bruno Jetin (eds), *Corruption and Illegality in Asian Investment Arbitration* (Springer, 2024) 437.

[44] For example, Singapore was one of the four founding members of the Southeast Asia Parties Against Corruption (SEA-PAC), which was established in 2004 and was later developed into ASEAN Parties Against Corruption (ASEAN-PAC) including all ASEAN member states: ASEAN-PAC, 'Background' (2014), available at https://www.asean-pac.org/?page_id=4223 (accessed 4 July 2026).

for officials, official information disclosure laws, ombudsman arrangements. However, there is significant disparity in coverage and timing.[45]

Even more broadly, constitutional and public sector reforms aimed at enhancing transparency and efficiency in government can also help address corruption. But sometimes this can be counter-productive, as in Thailand reform that resulted in the creation of new 'public organisations' to deal with corruption with greater flexibility and procurement and human resource management, Ironically, this reform reportedly 'allowed cronies to be appointed to high-paying positions, using public funds with no accountability, in return for political support and suspected kickbacks'.[46]

2.C Relationships with Customary, Religious, Colonial & Authoritarian Laws and Norms

Colonial powers sometimes bequeathed protean anti-corruption laws, but often then quite late and/or with poor enforcement mechanisms (as in Singapore, Malaysia and India). Colonies sometimes developed functional bureaucracies and court systems but lacked separation of powers, democratic engagement and transparency, leaving an ambiguous legacy associated with corruption, or (in Korea) developed a large police force including local collaborators and other features conducive to bribery. Some newly independent states (like Singapore and PRC) used anti-corruption drives to legitimise their new order.

Authoritarian regimes are found across much of post-colonial Asia. Sometimes these are more based on popular will, albeit with one long-dominant political party, and can maintain consistent anti-corruption policies (like Singapore and Japan), but usually such one-party dominance embeds corruption and it can only start to dissipate as democratic politics starts to shift (as in Malaysia). Other authoritarian regimes are based on a structurally one-party system (like PRC) with fewer institutional checks and balances – thus tending towards more politicised enforcement and persistent high-level corruption. Yet countries with more political contestation and changes of government, like India and (post-dictatorship) Korea and Indonesia, can struggle to enact and implement consistent anti-corruption measures, often linked to problems with prosecutors and courts.

Religious laws have not played a significant role in combatting corruption, but broader religious or cultural norms can play (often ambiguous) roles. We focus on Islam (more influential in Malaysia than Indonesia), Confucianism (strong in Korea, revived in PRC, less important in Japan) and Hinduism (indirect in India).

In Malaysia, Islam is constitutionally the religion of the Federation created from British Malaya and British Borneo, ethnic Malays (the vast majority of *bumipetera*, around 58% of the current population[47]) are legally defined as Muslims.[48] Islamic institutions have become significantly embedded in state governance from the 1980s. Constitutionally, the 13 state legislatures can enact Islamic criminal law applicable exclusively to Muslims, and (starting with Kelantan in 1985) several have done so.[49] But such enactments overwhelmingly focus on moral and

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[45] See below Part 3, and our Appendix, comparing our seven countries of primary comparative interest.
[46] Khoman, Nottage and Thanitcul, 'Foreign Investment, Corruption, Investment Treaties and Arbitration in Thailand' 399.
[47] Department of Statistics Malaysia, 'Demographic Statistic Malaysia, First Quarter 2026' (2026), available at https://www.dosm.gov.my/portal-main/release-content/demographic-statistic-malaysia-q12026 (accessed 6 July 2026).
[48] Federal Constitution of Malaysia, Art 160 (providing that '"Malay" means a person who professes the religion of Islam, habitually speaks the Malay language, conforms to Malay custom').
[49] *Federal Constitution of Malaysia*, Ninth Schedule, List II – State List. States including Kelantan (1985, revised 1993, 2019), Selangor (1995), Terengganu (2001, revised 2002, 2022), and the Federal Territories (1997, revised 2006) have adopted Syariah Criminal Offences Enactments: Intisar Rabb, 'Legislation and Regulation of

religious conduct.[50] Anyway, in 2024, Malaysia's apex Federal Court declared 16 provisions of Kelantan's shariah criminal enactment unconstitutional because pre-empted by federal criminal law.[51] Legislatives powers over corruption and bribery fall squarely within federal jurisdiction under the *Malaysian Anti-Corruption Commission (MACC) Act 2009* and the *Penal Code* (in Chapter IX).

More indirectly, Malaysia's political leaders have adopted Islamic values – including prohibitions on bribery - as a framework for public administration. This began with the leader of the long-dominant United Malays National Organisation (UMNO), Mahathir Mohamed during his first term as Prime Minister (1981-2020).[52] Abdullah Ahmad Badawi, Prime Minister over 2003–2009 and nicknamed 'Mr Clean', went further with *Islam Hadhari* ('Civilisational Islam'), which included 'a just and trustworthy government' as one of its ten core principles.[53] His Islamic governance framework directly linked religious reform to institutional anti-corruption action, turning the Anti-Corruption Agency into the larger and more powerful MACC.[54] Badawi also launched the National Integrity Plan and attempted to restore integrity to the judiciary. Thus, Islamic values provided both the rhetorical justification and the political cover for meaningful institutional reform.

UMNO lost power in 2018, ending the world's longest one-party rule with regular full-scale elections, due to the three-year-old Alliance of Hope headed by Mahathir (Prime Minister again over 2018-2020) together his previous deputy Anwar Ibrahim (also a former UMNO leader). They overcame a very public falling out to campaign against Prime Minister Najib Razak (2009-2018), including his mismanagement of the 1MDB sovereign wealth fund – resulting in convictions over 2020-5.[55] Anwar, Prime Minister from 2022, was a former Islamic youth

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Islamic Law in Malaysia', *Islamic Law Blog,* 22 January 2025, available at https://islamiclaw.blog/2025/01/22/legislation-and-regulation-of-islamic-law-in-malaysia-federal-mufti-bill-state-criminal-codes-shari%CA%BFa-jurisdiction/.

[50] Nor'Adha Abdul Hamid and others, 'Sharia Criminal Offense Enactment in Malaysia: Standardisation and Non-standardisation Research for Moral Offense Provisions' (2018) 31 *Science International (Lahore)* 269.

[51] Rozanna Latiff and Danial Azhar, 'Malaysia's Top Court Strikes Out Some Islamic Laws in Landmark Case', *Reuters,* 9 February 2024, available at https://www.reuters.com/world/asia-pacific/malaysias-top-court-declares-16-islamic-laws-kelantan-state-unconstitutional-2024-02-09/.

[52] He launched the *Inculcation of Islamic Values in Administration* policy in the early 1980s, aiming to create public servants who practice 'value-based responsibilities according to religious teachings'. This was accompanied by the 'Clean, Efficient and Trustworthy' (*Bersih, Cekap, dan Amanah*) campaign and the 'Leadership by Example' campaign: Syaza Shukri, 'Islamist Civilizationism in Malaysia' (2023) 14 *Religions* 1, 6.

[53] Norshahril Saat, 'Pak Lah and Islam Hadhari's Hits and Misses', *Fulcrum,* 5 May 2025, available at https://fulcrum.sg/pak-lah-and-islam-hadharis-hits-and-misses/

[54] Shahril Bahrom, 'Remembering Abdullah Ahmad Badawi: A Leader of Integrity, Moderation, and Reform', *TRP,* 16 April 2025, available at https://www.therakyatpost.com/news/malaysia/2025/04/16/remembering-abdullah-ahmad-badawi-a-leader-of-integrity-moderation-and-reform/#gsc.tab=0.

[55] The first was (over 2020-2) for abuse of power and money-laundering for misappropriating RM43 million from an IMDB subsidiary; and (in 2025) regarding over $700m channeled from 1MDB into his personal accounts (partly for patronage and re-election campaigning), adding further lengthy jail time and a fine of around $3.3b: CNA Writer, 'From Conviction to Final Appeal: Timeline of Former Malaysian PM Najib's 1MDB-linked Corruption Case', *CNA,* 11 August 2022, available at https://www.channelnewsasia.com/asia/najib-razak-src-1mdb-timeline-guilty-conviction-final-appeal-federal-court-malaysia-2880116; Eileen Ng, 'Malaysian Court Sentences Ex-Prime Minister Razak to 15 Years and Big Fine in Corruption Case', *PBS News,* 26 December 2025, available at https://www.pbs.org/newshour/world/malaysian-court-sentences-ex-prime-minister-razak-to-15-years-and-big-fine-in-corruption-case. The second case involved a decade-long MACC investigation, which former government officials said had been 'systematically obstructed' by Najib's administration: Rozanna Latiff, 'Malaysia Ex-PM Najib Razak Jailed for 15 More Years in 1MDB Saga's Biggest Trial', *Reuters,* 27 December

leader and president of the Malaysian Islamic Youth Movement (ABIM) who has framed his own anti-corruption agenda within an explicitly Islamic moral framework.[56]

However, these aspects have also been undermined through deep-rooted political and socio-economic structures. The Constitution underpins an elaborated affirmative action system favouring *bumiputera*, over Chinese and Indian Malaysians (respectively around 22% and 6.5% of the current population[57]), exemplified by the 1971 New Economic Policy (NEP). Historically, therefore, challenging Malay-Muslim political leaders on corruption could be reframed as an attack on Islam and Malay rights.[58]

UMNO also sustained a system framed as advancing the NEP whereby political patronage — including appointments to executive or advisory board positions in state enterprises, government-linked investment corporations (GLICs) and (still myriad, even listed) government-linked corporations (GLCs) — was distributed along ethnic-religious lines.[59] This remained the main driver behind UMNO's ability to secure Malay-Muslim voter loyalty 'despite concerns about credibility issues such as corruption, money laundering, and nepotism'.[60] Additionally, the steady expansion of Islamic bureaucracies creates additional rent-seeking opportunities and patronage channels through Islamic institutions, banks, universities and even regulatory bodies — all often including politically-influenced appointees.[61]

Former Prime Minister Abdullah's *Islam Hadhari* project is largely seen as failing, not persisting into the Najib era partly due to 'lack of support from religious circles',[62] and became 'consumed by "ethnic Islam" promoted by BN [the UMNO-dominated coalition] in the form

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2025, available at https://www.reuters.com/world/asia-pacific/political-stability-stake-malaysias-najib-awaits-verdict-biggest-1mdb-trial-2025-12-26/.

[56] His government operating under the *Malaysia MADANI* concept, also appealing to Islamic civilizational values. Additionally, the Institute of Islamic Understanding Malaysia launched its own *Anti-Corruption Plan (IACP) 2025–2028*, suggesting how Islamic intellectual institutions also can actively engage with integrity governance: Atiqurrahman bin Rosdi, 'The Launching Ceremony of IKIM Anti-Corruption Plan (IACP) 2025-2028 and IKIM Integrity Discourse Series 7 No 1/2025', *Institute of Islamic Understanding Malaysia: Notice,* 4 April 2025, available at https://www.ikim.gov.my/en/the-launching-ceremony-of-ikim-anti-corruption-plan-iacp-2025-2028-and-ikim-integrity-discourse-series-7nu-1-2025/.

[57] Malaysia, 'Demographic Statistic Malaysia, First Quarter 2026'.

[58] Amy Chew, 'Malaysia Is Now in Uncharted Waters', *The Interpreter,* 5 March 2020, available at https://www.lowyinstitute.org/the-interpreter/malaysia-now-uncharted-waters. UMNO and the even more openly Islamist opposition Pan-Malaysian Islamic Party (PAS) have often deployed race and religion as shields against accountability and act as the defenders of Malay-Muslim interests: Shukri, 'Islamist Civilizationism in Malaysia'.In 2023, 47 corruption charges were dropped against Deputy Prime Minister Ahmad Zahid Hamidi, president of UMNO which has become a key minority partner in Anwar's government: Rozanna Latiff and A Ananthalakshmi, 'Malaysia Drops Corruption Charges against PM Anwar's Ally', *Reuters,* 4 September 2023, available at https://www.reuters.com/world/asia-pacific/malaysia-court-drops-corruption-charges-against-deputy-pm-state-news-agency-2023-09-04/.

[59] See generally Vivien Chen, 'Corporate Law and Political Economy in a Kleptocracy' (2022) 70 *American Journal of Comparative Law* 480; Gomez, *Misgovernance: Grand Corruption in Malaysia*.

[60] Mohd Irwan Syazli Saidin and Nadhrah Azrun, 'Digital Media and Religious Sentiments in Malaysia: Critical Discourse Analysis of Pan-Malaysian Islamic Party and Democratic Action Party Cyberspace Campaigns in the 15th General Election' (2024) 15 *Religions* 1, 6. Commentary complains that corruption and other scandals will persist until Anwar tackles underlying governance problems associated eg with GLICs: Gomez, *Misgovernance: Grand Corruption in Malaysia* 153ff. Compare also, on some improvements in listed GLCs (perhaps especially in recent years, through departure of hundreds of long-tenured male directors), Luke Nottage, 'Independent Directors in Malaysian Corporate Governance: Out with the Old?' (2026) *[Manuscript under Review]*.

[61] Meredith L Weiss, 'Islamism In Malaysia: Politics As Usual?', *The Caravan,* 27 September 2017, available at https://www.hoover.org/research/islamism-malaysia-politics-usual.

[62] Saat, 'Pak Lah and Islam Hadhari's Hits and Misses'.

of 'Ketuanan Melayu' (Malay supremacy).[63] It remained subordinated to ethno-political imperatives rather than challenging patronage structures that generate corruption. Thus, for example, the Anti-Corruption Agency (before the MACC) remained under government control, undermining independence, while cases against long-serving UMNO officials 'widely suspected of corruption have stalled or been dropped'.[64]

Najib also dramatically showed how Islamic values could be deployed instrumentally to obstruct anti-corruption accountability. In 2022, most prominently, he swore a *sumpah laknat* (curse oath) at a Kuala Lumpur mosque, declaring: 'If I am lying, then may Allah curse me'.[65]

Lastly, some commentary posits a 'neo-feudal concept' deeply ingrained in Malay community culture that 'contributes to the persistence of Malay Islam in Malaysia's political culture'.[66] The royal institutions — sultans who serve as heads of Islam in their respective states — add another layer of hierarchical deference that can insulate political elites from accountability. The pardons board that halved Najib's sentence operates through royal prerogative, illustrating how traditional Malay-Islamic authority structures can override judicial anti-corruption outcomes.[67]

Indonesia's Pancasila state, by contrast, does not constitutionally establish Islam as the national religion, even though most citizens (87%) are Muslim. A key "soft law" instrument is instead the 2000 fatwa from the Indonesian Council of Ulama (Majelis Ulama Indonesia, MUI) declaring that bribery (*risywah*) and corruption (*ghulul*) are *haram* (forbidden).[68] More recently, MUI fatwas have supported asset forfeiture.[69] However, fatwas are advisory opinions (not directly impacting on legislation or sentencing), and MUI is 'nominally an independent NGO' — not a government agency — even though it receives state funding and many Indonesians perceive it as quasi-official.[70] Additionally, public awareness of the MUI anti-corruption fatwa is not demonstratively high.

More indirectly, Indonesia's two largest Muslim organisations supported the *reformasi* movement that got rid of the Soeharto dictatorship in 1998 and its anti-corruption demands.[71] Moreover, such Islamic organisations remain more independent of ethnic politics than in

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[63] K Haridas, 'Islam Hadhari: Abdullah Badawi's missed opportunity', *Aliran,* 27 June 2012, available at https://m.aliran.com/web-specials/2012-web-specials/islam-hadhari-lacking-commitment-and-ownership.

[64] Ioannis Gatsiounis, 'Islam Hadhari in Malaysia', *Current Trends in Islamist Ideology,* 16 February 2006, available at https://www.hudson.org/node/37159.

[65] Tashny Sukumaran, 'Malaysia's Najib Razak Takes Islamic Oath to Deny Claims He Ordered Model Altantuyaa Shaariibuu's Killing', *South China Morning Post,* 20 December 2019, available at https://www.scmp.com/week-asia/politics/article/3043015/malaysias-former-pm-najib-razak-takes-islamic-oath-deny-claims. This drew a crowd of over 1,000 supporters, intending to invoke religious authority to counter the ongoing legal proceedings.

[66] Saidin and Azrun, 'Digital Media and Religious Sentiments in Malaysia: Critical Discourse Analysis of Pan-Malaysian Islamic Party and Democratic Action Party Cyberspace Campaigns in the 15th General Election' 6.

[67] Joseph Rachman, 'Malaysia Is Getting Back to Politics as Usual With Najib's Pardon', *FP,* 7 February 2024, available at https://foreignpolicy.com/2024/02/07/malaysia-najib-razak-pardon-1mbd-politics/

[68] Suaramuslim.net Writer, 'MUI Fatwa on Bribery, Corruption and Gifts to Officials [in Indonesian]', *Suara Muslim,* n.d., available at https://suaramuslim.net/fatwa-mui-tentang-suap-korupsi-dan-hadiah-kepada-pejabat/.

[69] It holds that confiscation of illicitly obtained assets is permissible under strict judicial oversight: Ryan Bianda and others, 'The Role of Fatwa Majelis Ulama Indonesia (MUI) In Asset Forfeiture A Maqashid Shariah Perspective On Legal And Ethical Considerations In Indonesia' (2026) 31 *Journal of Fatwa Management and Research* 46. This provides religious legitimacy for an enforcement tool that has faced political resistance.

[70] Tim Lindsey, 'Monopolising Islam: The Indonesian Ulama Council and State Regulation of the 'Islamic Economy'' (2012) 48 *Bulletin of Indonesian Economic Studies* 253.

[71] John T Sidel, 'Indonesia: Economic, Social and Political Dimensions of the Current Crisis', *UNHCR Refworld: Global Law & Policy Database,* 1 April 1998, available at https://www.refworld.org/reference/countryrep/writenet/1998/en/96239.

Malaysia, and have not been as prominent in shielding specific figures accused of corruption. They also support hundreds of registered Islamic boarding schools and many dozens of universities, whose teachers and leaders can instil anti-corruption teachings through behaviour modelling, anti-corruption messaging, and policies supporting anti-corruption programs.[72] However, their effectiveness in changing actual corruption behaviour is difficult to measure.

The lesser influence of Islamic law and values in Indonesia's polity, combined with the country's considerably higher level of corruption, raises the question of whether more influence would help to reduce corruption. However, outlined in Part 3 below, Indonesia has more deep-rooted problems that make this unlikely: pervasive corruption within the judicial system, political pushback against the anti-corruption agency (KPK) established in 2001, and greater poverty. Indonesia also did not inherit even protean anti-corruption laws and institutions from the Dutch colonists.

Moreover, Islamic values themselves can both support and counter corruption. Islamic law clearly prohibits corruption, emphasises sacred trust *(Amanah*) and stewardship for leaders, promotes social responsibility along with accumulating wealth (eg through mandatory *zakat* mandatory charitable giving), and drives educational institutions. Yet Islam also for example emphasises kinship duties, which may justify patronage and nepotism; generosity and hospitality, which complicates gifts directed at officials (as the MUI fatwa indicates) and fosters informality (as with many *zakat* flows); and deference to authority, which may combine religious and political authority. Further, the Malaysian experience shows how religious identity can be instrumentalised as a shield against accountability, not just in favour of it.

In PRC, a similar tension has emerged. The mainland communist regime is deeply secular – not supportive of religions. Yet President Xi since 2012 has overlaid neo-Confucian philosophical values, including to combat corruption that has grown in breadth and depth as the PRC economy has liberalised and expanded.[73] This has underpinned a huge increase in

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[72] Abdul Karim and others, 'Altruistic Works, Religion, and Corruption: Kiais' Leadership to Shape Anti-corruption Values in Pesantren' (2023) 9 *Cogent Social Sciences* 1.

[73] For example, Xi identified the Confucian concept of 'clean government' (*lianzheng*) as 'a prototype for contemporary anti-corruption measures', implicating governance marked by frugality, incorruptibility and moral self-restraint by officials: Aleksandra Kubat, 'Morality as Legitimacy under Xi Jinping: The Political Functionality of Traditional Culture for the Chinese Communist Party' (2018) 47 *Journal of Current Chinese Affairs* 47, 63. Xi therefore frames the struggle not just as a technical enforcement problem (the legalist approach) but as a question of moral character in governance—a fundamentally Confucian diagnosis: Delia Lin, 'Morality Politics under Xi Jinping', *East Asia Forum,* 1 August 2019, available at https://eastasiaforum.org/2019/08/01/morality-politics-under-xi-jinping/. This justifies interventions that go far beyond prosecuting financial crimes, extending the disciplinary apparatus into officials' personal conduct, lifestyle, and even ideology. The 2012 *Eight-Point Regulation* operationalizes Confucian values of frugality and self-discipline into enforceable bureaucratic standards, by restricting CCP cadres' banqueting, travel, use of official vehicles and public displays of extravagance: Zhang Zhouxiang, 'Party's Eight-point Code Sets Self-discipline Benchmark', *China Daily,* 19 December 2025, available at https://www.chinadailyhk.com/hk/article/625733; Heike Holbig and others, 'China's "New Era" with Xi Jinping characteristics', *China Analysis,* 15 December 2017, available at https://ecfr.eu/publication/chinas_new_era_with_xi_jinping_characteristics7243/. The regulation is enforced by the CCDI, which has cited institutions including Tsinghua University for 'insufficient respect' paid to the Eight-Point Regulation: ibid. Xi's 2019 speech titled 'Strive to create a team of high-quality, loyal, scrupulous and responsible cadres' connected the moral qualities demanded of CCP officials to traditional Chinese culture and Confucianism: Lily Marie Theres Rezepa, 'Understanding the Revival of Confucianism in China's Contemporary Politics' (2025) 2 *The Grimshaw Review of International Affairs* 73, 89. The formulation draws upon the Confucian ideal of the *junzi* —the morally exemplary person—as the model for CCP cadres: Kubat, 'Morality as Legitimacy under Xi Jinping: The Political Functionality of Traditional Culture for the Chinese Communist Party' 72. This has institutional expression in mandatory ideological education programs, study sessions on Xi Jinping Thought (which itself incorporates Confucian terminology), and the CCDI's expansion

enforcement activity, as outlined in Part 3, but because a significant part of this is seen as politically influenced (including against Xi's potential rivals as leaders) and not constrained by independent bodies like the courts, CPI perceptions of corruption remain high.

Xi's governance model consciously reunites two ancient Chinese statecraft traditions: Confucian moral cultivation and Legalist punitive enforcement.[74] Earlier, 'under the imperial dynasties, penal codes worked to reinforce Confucian moral principles, reflecting a Confucianisation of law'.[75] Xi's anti-corruption campaign replicates this structure: the CCP's ideological campaigns and moral education programs (Confucian dimension) work alongside severe criminal penalties (Legalist dimension).[76] Thus, unlike Western-inspired anti-corruption regulation focused on financial misconduct, contemporary Chinese law 'often punishes ideological deviance and managerial incompetence equally alongside conventional acquisitive crimes'.[77]

However, this Confucian revival also serves to legitimate Xi's personal concentration of power, situating himself as the moral teacher of China in the Confucian tradition of the ruler whose personal virtue radiates outward to transform society.[78] The campaign's legitimacy flows downward from Xi's personal moral standing rather than upward from legal norms or institutional accountability.[79] Furthermore, especially when prosecutions are directed seemingly at Xi's potential rivals for leadership, citizens and outside observers (like those contributing to the CPI) do not always believe corruption is being significantly reduced even as prosecutions and sanctions have escalated to very high levels.

More generally, Confucianism too can have mixed effects in combatting corruption. First, it diagnoses corruption as a failure of individual moral character rather than a product of institutional incentives and structural conditions.[80] This leads to policy responses centred on education, exhortation, and punishment of individual transgressors rather than systemic reforms—independent judiciary, transparency, separation of powers—that would create structural barriers to corruption.[81] Secondly, the Confucian emphasis on social harmony and hierarchical deference may create normative pressure against the very mechanisms (free press, civil society oversight, independent courts, whistleblower protection) that make anti-corruption sustainable in other contexts.[82] Thirdly, while Confucianism offers the ideal of meritocratic governance through examinations and moral selection, Xi's version subordinates meritocratic principles to political loyalty.[83]

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beyond financial corruption into assessments of officials' morality—including criticizing 'lack of morality among faculty members' at Beijing Normal University: Holbig and others, 'China's "New Era" with Xi Jinping characteristics'.

[74] Lin, 'Morality Politics under Xi Jinping'.

[75] Ibid.

[76] Ibid.

[77] Sibley, 'Six Myths about China's Anti-Corruption Campaign'.

[78] Kate Clayton, 'Confucius Technology and Power Consolidation under Xi Jinping', *The China Story,* 3 July 2020, available at https://www.thechinastory.org/confucius-technology-and-power-consolidation-under-xi-jinping/.

[79] Lin, 'Morality Politics under Xi Jinping'.

[80] Ibid.

[81] Sibley, 'Six Myths about China's Anti-Corruption Campaign'.

[82] Eunsun Cho, 'The Social Credit System: Not Just Another Chinese Idiosyncrasy', *Journal of Public & International Affairs,* 1 May 2020, available at https://jpia.princeton.edu/news/social-credit-system-not-just-another-chinese-idiosyncrasy (suggesting that 'Traditional Confucian philosophy values morality over respect for individual rights as the guiding principle for interpersonal relationships and the government of a society').

[83] Officials can then learn that 'loyalty, rather than merit, is the key to both career advancement and survival': Sibley, 'Six Myths about China's Anti-Corruption Campaign'.

Singapore's founding father Lee Kuan Yew, who made clean government an early and consistent emphasis in his Prime Ministership (1959-1990), also more generally identified some relevant weaknesses in Confucianism – including nepotism and favouritism.[84] Lee therefore was willing to adopt and reinforce Western institutions, including an independent and powerful anti-corruption agency as well as an efficient bureaucracy and fair judiciary, mainly for the instrumentalist goal of attracting foreign investment to expand trade and the economy for Singapore. His People's Action Party (PAP), still dominant, framed its anti-corruption commitment pragmatically: it could not afford a corrupt system because Singapore, as a small city-state with no natural resources, needed to offer investors a transparent and rules-based environment to survive economically.[85]

Incidentally, there is also little evidence that the decline of Chinese religions (Taoism and folk beliefs) and concomitant growth of Christianity (notably from around 10% of residents in 1980 to almost 20% in 2020) was a significant cause of Singapore managing to clean up rampant corruption around independence.[86] Similarly, Christianity has grown strongly in South Korea (to now about 20% Protestant and 9% Catholic), initially in part as a reaction to Japanese colonisation. Church groups supported the democratic transition and introduction of related clean government initiatives from 1987, but did not mobilise specifically around anti-corruption initiatives.

South Korea's longer and deeper Confucian tradition deeply shaped society and socio-economic institutions generally. Again, however, while the weight put on education and meritocratic examinations supports governance competence, the tradition of deference to hierarchical authority, emphasis on kinship and personal relationships, and loyalty obligations foster patronage networks (including *chaebol*-government connections) that impede the enactment or implementation of anti-corruption measures.[87] But Confucian hierarchy also

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[84] He observed: 'in the history of China, whenever there was weak government, Confucianism led to nepotism and favoritism. Conscious of that, we have established checks through an open, transparent system, where aberrations can be spotted, highlighted and checked'. He further noted that the Confucian emphasis on family duty 'is degraded when you use public resources through your official position to do your duty to your family and be loyal to your friends': Terry McCarthy, 'In Defense of Asian Values: Singapore's Lee Kuan Yew', *TIME,* 16 March 1998, available at https://time.com/archive/6732416/in-defense-of-asian-values-singapores-lee-kuan-yew/.

[85] Zarina Hussain, 'How Lee Kuan Yew Engineered Singapore's Economic Miracle', *BBC News,* 24 March 2015, available at https://www.bbc.com/news/business-32028693.

[86] Wider research does show robustly that countries with higher proportions of Protestants generally have lower levels of corruption, arguably through mechanisms such as separation of church and state (encouraging civil society monitoring), anti-hierarchical norms (rather than strong deference to society), promotion of literacy and education. Singapore did inherit the arguably related British colonial institutions (rule of law, independent judiciary, professional civil service) and missionary education, with Christians overrepresented among current educated professionals. But the biggest reductions in corruption came over the 1960s-70s, Lee Kwan Yew and other key leaders were agnostics, secularism is a key constitutionalism principle, and Singapore has remained overall very religiously diverse (especially for Asia): Mohammad Alami Musa, 'Social Cohesion: Adapting Secularism and Multiculturalism', *RSIS Commentary,* 30 May 2022, available at https://rsis.edu.sg/rsis-publication/rsis/towards-iccs-2022-social-cohesion-adapting-secularism-and-multiculturalism/; United States Department of State, '2023 Report on International Religious Freedom: Singapore' (2023), available at https://www.state.gov/reports/2023-report-on-international-religious-freedom/singapore/ .

[87] See generally Jong-sung You, 'Development of Corruption Control in South Korea' (2015) Process-tracing Paper, available at https://www.againstcorruption.eu/wp-content/uploads/2015/05/Process-Tracing-of-Corruption-Control-in-South-Korea.pdf.

inhibits whistleblowing,[88] enabling *chaebol* impunity due to personal loyalty,[89] allowing pardons of their leaders as expressions of political mercy,[90] and junior bureaucrats deferring to seniors.[91]

Japan had lesser but still considerable Confucian influence, especially in the isolationist Tokugawa (Edo) period over 1603-1867. Political bribery was commonplace during the period, even though the shogunate's bureaucracy created laws to outlaw it.[92]

The Meiji Restoration brought Western-style institutions but not the elimination of corruption. When the new government privatised state-owned industries in the 1880s, assets were sold to politically-connected samurai and merchants well below market value, facilitating *zaibatsu* conglomerates.[93] Meiji oligarchs governed through informal networks of patronage that blurring public authority and private enrichment.[94] With the Meiji Constitution and the Imperial Diet (parliament) from 1890 with emergent party politics, parties needed enormous campaign funds to win Diet seats, and businessmen provided these for policy favours.[95] The German law inspired the *1907 Penal Code* included bribery offences in Articles 193-198 because the problem was already serious.

The Taishō era (1912-26) and ensuing early Shōwa era witnessed an expansion of democratic governance yet an intensification of corruption. Corruption and zaibatsu influence, dominating key economic sectors with close ties to the government, led to public discontent and calls for reform – including from militarists.[96] This interwar anti-zaibatsu, anti-corruption reaction was saturated with values of neo-Confucian origin (eg loyalty over profit, moral purity of officials), but articulated through Japanese ideological formations (eg Bushido, the Imperial Way) because nationalist politics was built on claims of Japanese uniqueness.

The US-led Occupation of Japan (1945-52) following Japan's military defeat changed the rhetoric and trajectory. The *1947 Constitution* allowed judicial review of legislative and executive action, incorporating a Bill of Rights. More specific reforms helping to largely eliminate petty corruption within a few decades included restructuring the civil service and enacting the *Political Funds Control Law* of 1948. Most of the reasons for this remarkable achievement were pragmatic, not expressly ideological. The pre-War meritocratic examination-based civil service, reformed and depoliticised, produced a professional bureaucratic elite with strong esprit de corps and reputational incentives for integrity. The independent judiciary and prosecutors enhanced their reputation and social trust by being scrupulously clean. Rapid

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[88] Heungsik Park, Michael T Rehg and Donggi Lee, 'The Influence of Confucian Ethics and Collectivism on Whistleblowing Intentions: A Study of South Korean Public Employees' (2005) 58 *Journal of Business Ethics* 387.
[89] Zhuoyu Zeng and Bruce MZ Cohen, 'The SK Group Scandal and Systemic Corporate Crime: Structural, Institutional, and Cultural Logics in South Korea's Chaebol System' (2025) 21 *Asian Journal of Criminology* [Advance publication].
[90] Frances Mao, 'Lee Jae-yong: Why South Korea Just Pardoned the Samsung 'Prince'', *BBC,* 12 August 2022, available at https://www.bbc.com/news/world-us-canada-62501514.
[91] Tobin IM and Seyeong Cha, 'The Hierarchy-Oriented Bureaucracy of South Korea: A Type of Neo-Weberian State?' (2024) 39 *Journal of Policy Studies* 51.
[92] Seishi Shirota, 'Bribery in the Tokugawa Shogunate [in Japanese]' (2018) 68 *Meijo Law Review* 44.
[93] Weatherhead East Asian Institute, 'Asia for Educators: The Meiji Restoration and Modernization' (n.d.), available at https://afe.easia.columbia.edu/special/japan_1750_meiji.htm (accessed 10 July 2026).
[94] Murai Ryōta, 'The Rise and Fall of Taishō Democracy: Party Politics in Early-Twentieth-Century Japan', *Nipponcom,* 29 September 2014, available at https://www.nippon.com/en/in-depth/a03302/.
[95] Richard H Mitchell, *Political Bribery in Japan* (University of Hawai'i Press 1996).
[96] Yohei Takasugi, '"Taishō Democracy" that Led Japanese Army's Democratisation and Radicalisation [in Japanese]', *Wedge Online,* 16 February 2023, available at https://wedge.ismedia.jp/articles/-/29424?page=5&layout=b.

economic growth in the 1950s–1970s (unlike most parts of Asia) raised government salaries to competitive levels, removing the material need for supplementary income through bribes. Social conformity and reputational mechanisms meant that individual corruption came to incur severe personal and family consequences.

This shift eventually impacted on more persistent high-level structural corruption — the exchange of political favours for campaign contributions among politicians, bureaucrats, and business — along with major scandals (like Lockheed and Recruit). Those sometimes resulted in specific reforms, then some more general developments conducive to transparency in government such as the *Official Information Act* 1989. However, these initiatives were underpinned predominantly by the rhetoric of Western-style rule of law and democracy.

India is another large Asian economy with a long post-War tradition of constitutional secular democracy. Somewhat similarly to Japan's post-War experience, India's anti-corruption initiatives (building on the *1860 Penal Code* plus some late colonial institutional initiatives) have been framed in secular, rights-based terms rather than religious ones. Gandhian values of simplicity, self-sacrifice, and non-violence have been more influential as non-religious moral frameworks for anti-corruption activism -- illustrated by Anna Hazare's hunger strikes resulting in enactment of independent ombudsman legislation in 2013.[97]

This is true even under the Prime Ministership of Narendra Modi (since 2014). His invocation of Hindu values in the anti-corruption context operates quite differently from Xi's explicit Confucian revival in China. Rather than a systematic philosophical programme grounding specific policies in Hindu scripture, the approach of Modi's Bharatiya Janata Party (BJP) has been more diffuse—weaving together civilizational narratives, personal moral branding, selective Sanskrit invocations, and a Hindutva-inflected purity discourse to construct an anti-corruption political identity. The most significant ideological framing is the BJP's broader civilizational claim that a pristine Hindu-Indian society was "corrupted" by foreign rule.[98] There are some loose parallels with Xi in that Modi presents himself as someone acting for duty not personal enrichment.[99]

Unlike in China, however, for the Modi government Hindu values are woven into personal branding, symbolic actions, and narrative framing rather than codified into policy documents or party discipline manuals. Furthermore, the appeal is to "Indian civilizational values" and "ancient wisdom" more broadly than to specific Hindu texts or doctrines, allowing claim to a

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[97] Madhavi Bhasin, 'Anna Hazare's Initiative: People's Movement in a Constitutional Democracy?', *Foreign Policy Association,* 1 September 2022, available at https://fpa.org/anna-hazares-initiative-peoples-movement-in-a-constitutional-democracy/.

[98] As one analysis notes, 'supporters of the ruling right-wing, Hindu nationalist regime have attempted to argue that a monolithic Hindu-Bharatiya society was corrupted first by foreigners (the Muslims and the British) and, then, by the family-dominated Congress': Paranjoy Guha Thakurta, 'Long on Rhetoric, Short on Practice: Modi Government Battling Corruption', *Frontline,* 2 May 2024, available at https://frontline.thehindu.com/the-nation/corruption-lok-sabha-election-2024-narendra-modi-bjp-congress/article68110170.ece.

[99] As in the Bhagavad Gita) and as "Chowkidar" (watchman/guardian) of the nation's wealth, carrying echoes of the Hindu conception of the ruler as protector and trustee rather than owner—a *dharmic* rather than merely legal obligation. Similarly, Modi presents the state's economic obligation in *dharmic* (righteous) duty, thus framing governance as a religious-moral imperative. See Krishna Bhatta, 'Modi 3.0: The Spiritual and Political Journey of PM Narendra Modi', *Thrive Global,* 9 June 2024, available at https://community.thriveglobal.com/modi-3-0-the-spiritual-and-political-journey-of-pm-narendra-modi/; Vishwadeepak, '75% of People Believe Corruption Has Increased under Modi Govt, Says CMS Study', *National Herald,* 22 May 2018, available at https://www.nationalheraldindia.com/india/four-years-of-narendra-modi-government-75-per-cent-of-people-believe-corruption-has-increased; Congress Sandesh Writer, 'BJP Government Is Myopic and Poses a Serious Threat to Democratic Values', *Congress Sandesh,* 24 August 2020, available at https://inc.in/congress-sandesh/politics/bjp-government-is-myopic-and-poses-a-serious-threat-to-democratic-values.

universal Indian heritage.[100] Further, unlike Xi who created new institutions justified partly through Confucian-Legalist synthesis, Modi's actual anti-corruption institutions all pre-date his government. The Prevention of Corruption (Amendment) Act 2018 – adding private bribery prohibitions and prior sanction requirements – was justified primarily in terms of UNCAC compliance rather than Hindu philosophy.[101]

3. FUNCTIONS AND FACTORS FOR ANTI-CORRUPTION LAW

3.A Functions

Laws against public corruption and related institutions (such as independent investigators and courts) promote transparency and accountability in government, which is especially important in multi-party democracies. This is also true of corruption-related laws, like those in the Appendix, that extend to broader topics like official information disclosure laws (allowing citizens and media better access to public information) or ombudsman schemes (investigating maladministration more widely). Such laws can also help mobilise non-governmental organisations (NGOs), not just aimed specifically at corruption (like TI, with its country and regional branches) but overlapping with other concerns (such as environmental protection).

Laws extending to limit private corruption, purely within the commercial sphere (such as an employee accepting a kickback from a supplier to award a business contract), help to improve corporate governance – also linked to economic performance. That is particularly important when even listed companies are government-linked (as in Singapore, Malaysia and many parts of Asia).[102]

More broadly, anti-corruption laws reduce "crony capitalism", promoting FDI (inbound and sometimes outbound) and economic growth that is more equitable and sustainable. As such, such measures typically attract support from international organisations (such as the World Bank and Asian Development Bank, ADB), especially useful in economic crises (as with the International Monetary Fund, IMF).

3.B Top-Down Factors

(a) OECD and UN Conventions: Backdrop, Contents and Impact

A major impetus in strengthening legislation targeted at corruption worldwide was the US FCPA 1977. Because US firms bribing foreign officials became penalised from the US, not just in host countries where corruption laws and enforcement were often weak, they became disadvantaged compared to competitors for business opportunities in such countries. US businesses, alongside emergent NGOs and activists in other developed economies, therefore pressed them to enact similar legislation criminalising bribery of foreign officials. This led first to the soft law OECD MNE Guidelines (gradually strengthened over time) and, more importantly, to the 1997 Anti-Bribery Convention. After ratification, in 1998, the US amended the FCPA to extend to foreign entities while in the US (including engaging its banking system)

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[100] News Desk, 'From PM Nehru's Modern Republic to PM Modi's Civilisational State: How India's Political Centre Moved', *News 18,* 6 June 2026, available at https://www.news18.com/amp/india/from-pm-nehrus-modern-republic-to-pm-modis-civilisational-state-how-indias-political-centre-moved-10133275.html. When the Modi government does invoke specific classical Indian thought on governance, it tends toward Chanakya's *Arthashastra* (a pragmatic treatise on statecraft, including anti-corruption measures for the king's administration) rather than purely devotional or spiritual texts: Neelam Pandey and Shanker Arnimesh, 'From Taxation & Politics to Nation-building, How Modi Learnt His Statecraft from Chanakya', *The Print,* 8 August 2019, available at https://theprint.in/politics/from-taxation-politics-to-nation-building-how-modi-learnt-his-statecraft-from-chanakya/273742/.

[101] KPMG, *The Prevention of Corruption (Amendment) Act, 2018: Key Highlights* (KPMG 2022).

[102] Nottage, 'Independent Directors in Malaysian Corporate Governance: Out with the Old?'.

taking actions to promote bribery of foreign officials. This has allowed the US Department of Justice to become a formidable enforcer of anti-corruption law impacting on other countries, including investigating and collaborating regarding the 1MDB affair in Malaysia.[103]

After the OECD Convention was concluded in 1997, encouragement was extended through the UN for non-OECD member states, including larger economies like China, to criminalise bribery of foreign officials but also local officials. UNCAC was negotiated over 2002-5, and added an obligation on its (now almost universal) member states to consider regulating private bribery as well. UNCAC was also more expansive by covering the demand side (prohibiting receipt or solicitation of bribes), not just the supply side.

UNCAC added a "peer review" mechanism, which now has been applied to almost all Asian states. However, their reviews often are only completed for the first cycle (covering criminalisation, law enforcement and international cooperation) with the second cycle pending or recently completed.[104] Moreover, UNCAC's mechanism is less intense that the OECD mechanism applied additionally to Korea and Japan[105] (which eg fully publicises escalating 4-phase reports and extends to actual enforcement outcomes[106]). Accordingly, the UNCAC reviews' impacts have had rather moderate outcomes. The more elaborate OECD process resulted directly in Japan's 2023 amendment of its Unfair Competition Prevention Act and revisions to METI Guidelines.[107] For Korea, the OECD's Phase 4 evaluation in 2018 produced 36 recommendations and follow-up issues. However, in 2022, it expressed serious concern that legislative reforms were undermining enforcement capacity. According to the OECD Working Group on Bribery, the amendments to the Prosecution Services Act and Criminal Procedure Act in 2022 seriously hampered the Prosecution Office's ability to investigate and prosecute foreign bribery offences.[108] However, those amendments were made to curtail Korean prosecutors' overall strong investigative authority and did not specifically target their ability to investigate foreign corruption.[109] In 2026, the Parliament of South Korea passed a bill to strip

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[103] US Department of Justice: Office of Public Affairs, 'Justice Department Recovers Over $6M in Additional Funds Linked to 1MDB Scheme', *Press Release,* 27 May 2026, available at https://www.justice.gov/opa/pr/justice-department-recovers-over-6m-additional-funds-linked-1mdb-scheme. However, the Trump Administration recently instructed the Department to be less vigorous in enforcing the CFPA, concerned that US businesses were again being disadvantaged compared to OECD member states perceived as less active in enforcing prohibitions against their own state's businesses: The White House, 'Pausing Foreign Corrupt Practices Act Enforcement to Further American Economic and National Security', *Preseidential Actions,* 10 February 2025, available at https://www.whitehouse.gov/presidential-actions/2025/02/pausing-foreign-corrupt-practices-act-enforcement-to-further-american-economic-and-national-security/.

[104] The second cycle was launched in 2015 and extended to June 2026, covering preventive measures and asset recovery by member states). See generally the UNCAC website at: https://www.unodc.org/corruption/en/uncac/implementation-review-mechanism.html.

[105] See generally the OECD website at: https://www.oecd.org/en/data/dashboards/oecd-anti-bribery-convention-country-monitoring-dashboard.html.

[106] See Comparative Assessment Table in our longer Online Manuscript.

[107] Masayuki Atsumi and Yuhei Sakao, 'Anti-Corruption 2026: Japan', *Chambers and Partners,* 4 December 2025, available at https://practiceguides.chambers.com/practice-guides/anti-corruption-2026/japan/trends-and-developments; Toh and Park, 'Japanese Ministry of Economy, Trade and Industry Updates Guidance to Prevent Foreign Bribery'.

[108] OECD, 'Recent Legislative Reforms Raise Serious Concerns over Korea's Capacity to Investigate and Prosecute Foreign Bribery', *Press Release,* 20 July 2022, available at https://www.oecd.org/en/about/news/press-releases/2022/07/recent-legislative-reforms-raise-serious-concerns-over-koreas-capacity-to-investigate-and-prosecute-foreign-bribery.html.

[109] Sayuri Umeda, *South Korea: Public Prosecution Reform* (Law Library of Congress 2023), https://www.loc.gov/item/2023555904/.

prosecutors of that power completely,[110] and it remains to be seen whether and how OECD will respond to the new development.

The OECD's 1997 Convention allowed states to retain a "facilitation payment" exception for low-value payments to obtain business and expedite routine governmental action, as in the US FCPA, arguably recognising realities in many other countries and indeed some economists' arguments for efficiencies associated with such "grease money". [111] There was some expectation that any legislated exceptions would be reviewed as corruption hopefully improved abroad, and the later UNCAC does not contain an overt exception.[112] The OECD's 2009 Recommendation (updated 2021) 'encourages governments to prohibit or discourage' them, calling them 'corrosive'.[113]

Japan's METI revised its Guidelines in 2021 to recommend that companies 'prohibit small facilitation payments', in response to an OECD Phase 4 recommendation,[114] even though they are not specifically recognised in Japanese law.[115] Korea retains an express exception under the *Foreign Bribery Prevention Act 1998* (Art 3.2.b).[116]

In other Asian countries, however, anti-corruption law does not recognise a facilitation payment exception, partly because the law covers as well the demand side (prohibitions on those *taking* bribes). Their law also typically has no minimum threshold (although small value bribery is often not prosecuted), and traditionally takes a quite broad definition of the prohibited benefit supplied.[117]

(b) Other Major International Bodies

For geopolitical reasons, the World Bank (heavily supported by the US) initially shied away from addressing corruption in the developing economies it supported with loans and other assistance. However, its President James Wolfensohn in 1996 broke this taboo, encouraging other institutions like the ADB (heavily supported by Japan) to join in measures including a sanctions regime involving public shaming and even debarring firms from future projects if

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[110] Kyu-Seok Shim, 'South Korea Parliament Passes Bill Stripping Prosecutors of Investigative Powers', *Reuters,* 20 March 2026, available at https://www.reuters.com/world/asia-pacific/south-korea-parliament-passes-bill-stripping-prosecutors-investigative-powers-2026-03-20/.

[111] Khalid, 'Does Corruption Hinder FDI and Growth in Asia and Beyond? The Grabbing versus Helping Hand Revisited'; Jetin, Saadaoui and Ratiarison, 'The Effect of Corruption on Foreign Direct Investment at the Regional Level: A Positive or Negative Relationship?'.

[112] However, such expectation is not shared widely because not a few states and scholars suggest that the UNCAC's ambiguity in the position of facilitation payment shall be construed in line with the FCPA, which permits facilitation payments under a provision similar to the wording on the payments in the UNCAC: Anselmo Reyes and Till Haechler, 'Anti-Corruption Laws and Investment Treaty Arbitration: An Asian Perspective' in Nobumichi Teramura, Luke Nottage and Bruno Jetin (eds), *Corruption and Illegality in Asian Investment Arbitration* (Springer, 2024) 98–101.

[113] Will Fitzgibbon, 'Wealthy Nations Preserve Bribery Loophole', *International Consortium of Investigative Journalists,* 30 January 2014, available at https://www.icij.org/inside-icij/2014/01/wealthy-nations-preserve-bribery-loophole/.

[114] Toh and Park, 'Japanese Ministry of Economy, Trade and Industry Updates Guidance to Prevent Foreign Bribery'.

[115] Transparency International UK, 'Global Anti-Bribery Guidance: Best practice for companies in the UK and overseas' (n.d.), available at https://www.antibriberyguidance.org/qa-relation-bribery-offences-japan/guidance (accessed 10 July 2026).

[116] Australia in 2024 decided to retain its own exception to see how other reforms would work: Australian Government: Attorney-General's Department, *Guidance on Adequate Procedures to Prevent the Commission of Foreign Bribery* (Australian Government: Attorney-General's Department 2024) 26.

[117] Eg Singapore's 'any gratification' in Section 12(a) of the PCA, Malaysia's 'any gratification' on Section 16 of the *MACC Act*, Japan's 'bribe' in Article 197 of the *Criminal Code*.

found to have engaged in corruption.[118] However, an overall assessment of the World Bank's anti-corruption programming found that 'the rate of change has been slow; and state capture continues to weaken' governance outcomes.[119]

From 1999, the ADB further collaborated with the OECD on their Anti-Corruption Initiative (ACI), now covering 35 Asian economies,[120] which promotes peer-learning among countries at very different stages of anti-corruption development.[121]

The IMF has also sometimes played a role in promoting improvements in anti-corruption law and enforcement, and addressing "crony capitalism" more generally, through conditions attached to its bailouts especially around the 1997 AFC, including Thailand and (with the World Bank and ADB) Korea.[122] More recently, the 2018 Governance Policy further aims to promote 'more systematic, effective, candid, and evenhanded engagement with member countries regarding governance vulnerabilities—including corruption—that are critical to macroeconomic performance'.[123] However, the IMF has been criticised for broadening of its loan conditionalities to broaden the scope of its activities beyond what the institution was originally designed to do.[124] Skeptics may also point to Malaysia, which refused IMF assistance during the 1997 AFC and imposed capital controls instead, yet also recovered successfully — and eventually managed to implement various anti-corruption measures (as mentioned already above).

(c) Impact from the UK's Bribery Act 2010

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[118] The World Bank also undertook capacity-building projects in multiple Asian countries and from 1996 developed Worldwide Governance Indicators (WGI), including Control of Corruption: World Bank, 'Global Program on Anticorruption for Development' (2026), available at https://www.worldbank.org/en/programs/anticorruption-for-development/priority-themes (accessed 13 July 2026); World Bank, 'World Wide Governance Indicators' (2026), available at https://www.worldbank.org/en/publication/worldwide-governance-indicators (accessed 13 July 2026). The World Bank also developed from 2003 an Ease of Doing Business (EDB) Index, although it was permanently discontinued due to data irregularities and ethical concerns (implicating notably China) : Josh Zumbrun, 'World Bank Cancels Flagship 'Doing Business' Report After Investigation', *The Wall Street Journal,* 16 September 2021, available at https://www.wsj.com/economy/global/world-bank-cancels-flagship-doing-business-report-after-investigation-11631811663. The EDB was indirectly related in that observed complex regulatory regimes created more opportunities for corruption.

[119] World Bank Group, *Anticorruption Iniatives: Reaffirming Commitment to a Development Priority* (World Bank Group 2019) 5-6.

[120] OECD, 'Anti-Corruption Initiative for Asia and the Pacific' (n.d.), available at https://www.oecd.org/en/networks/anti-corruption-initiative-for-asia-and-the-pacific.html (accessed 10 July 2026).

[121] The ACI focuses specifically on building capacity to implement UNCAC, providing practical technical support that the UNCAC review mechanism itself cannot deliver: ibid. However, the ACI operates through voluntary participation and soft influence rather than binding conditions or enforcement powers. Four OECD member countries (Australia, Korea, Japan, New Zealand) are also ACI members, but the Initiative has limited leverage over non-OECD members: OECD, 'Global Engagement on Anti-corruption and Anti-bribery' (n.d.), available at https://www.oecd.org/en/networks/global-engagement-on-anti-corruption-and-anti-bribery.html (accessed 13 July 2026).

[122] See generally Timothy D Lane and others, *IMF-Supported Programs in Indonesia, Korea and Thailand* (International Monetary Fund 1999); Richard P Cronin, 'Asian Financial Crisis: An Analysis of US Foreign Policy Interests and Options' (1998) *CRS Report for Congress: Received through the CRS Web*.

[123] International Monetary Fund, 'Governance and Anti-Corruption' (2026), available at https://www.imf.org/en/topics/governance-and-anti-corruption (accessed 10 July 2026).

[124] Elaine Hutson and Colm Kearney, 'The Asian Financial Crisis and the Role of the IMF: A Survey' (1999) 4 *Journal of the Asia Pacific Economy* 393, 407-408.

The *UK Bribery Act 2010* has also had influence, adding strict criminal liability on firms if its associate bribes another to obtain business or an advantage, unless having adequate procedures to minimise such risks (section 7).[125]

Thailand was the first country in Asia to directly implement a similar regime, in 2015. Drivers were the *UK Bribery Act*'s extraterritorial reach over companies operating in Thailand, if they had a UK nexus; UNCAC review recommendations; the 2014 military coup, opening up political space for reform; and Thailand's desire to align with international standards given significant inbound FDI. Drivers were similar for Malaysia, along with its 1MDB corruption scandal, for a similar Section 17A added to the *MACC Act* in 2018.[126] So too for India's *Prevention of Corruption (Amendment) Act 2018* (section 9), combined with the Hazare civil society campaign against corruption scandals.[127] However, the government has not yet issued guidance, undermining its practical utility.

3.C Bottom-up Factors and Combined Consequences

Country comparisons across Asia indicate consistent impartial political will and independent institutions promoting enforcement are crucial to keeping corruption down. Singapore under Lee Kwan Yew instrumentally promoted clean government – including measures to eliminate rampant corruption – to foster FDI and economic growth, in turn creating social legitimacy to keep his PAP continuously governing the island state since independence. The British colonial government had included corruption provisions in the *Penal Code of the Straits Settlement 1871* and the *Prevention of Corruption Ordinance 1937* (amended in 1946), and even established the Corrupt Practices Investigation Bureau (CPIB) in 1952, following an opium hijacking scandal that exposed police corruption.[128] However colonial government's initiatives were framed as lacking "political will", with "ineffective" enforcement as enforcers were the police.[129] The PAP leaders stated that they 'learned from the mistakes made by the British colonial government',[130] and the Party's 1959 oath of office — wearing white shirts and white

[125] The Ministry of Justice published statutory guidance – the Bribery Act 2010 Guidance – to therefore build internal anti-corruption compliance systems, built around six principles: proportionate procedures, top-level commitment, risk assessment, due diligence, communication (including training), and monitoring and review.
[126] Indeed, the new corporate offence went beyond the UK model by imposing personal liability on directors and senior management who must prove due diligence: Idza Hajar Ahmad Idzam and Mifzal Mohammed, 'Corporate Liability for Corruption under Section 17A of the MACC Act 2009', *Chambers,* 7 July 2020, available at https://chambers.com/articles/corporate-liability-for-corruption-under-section-17a-of-the-macc-act-2009.
[127] Companies meanwhile have been relying on international best practices (UK Ministry guidance, ISO 37001) as de facto benchmarks. Albeit attenuated in this respect, the initial drivers were similar to Malaysia and Thailand, including compliance with UNCAC (ratified by India in 2011) and the *UK Bribery Act*'s emerging global influence on corporate governance standards, combined with the Anna Hazare anti-corruption civil society movement (peaking around 2011, as mentioned).
[128] CPIB, 'Our Heritage' (2026), available at https://www.cpib.gov.sg/who-we-are/our-heritage/ (accessed 10 July 2026).
[129] The predecessor Anti-Corruption Branch had only 17 personnel, handled both corruption and non-corruption functions, and was handicapped in tackling police corruption because it was located within the police force itself: Jon ST Quah, 'Why Singapore Works: Five Secrets of Singapore's Success' (2018) 21 *Public Administration and Policy* 5, 9.
[130] Ibid.

slacks 'to symbolise purity and honesty' — was a deliberate break.[131] This political will was sustained consistently.[132]

A key institutional reform was to make the CPID genuinely independent, including from the police, and reporting directly to the Prime Minister[133] – also open to independent prosecution (with consent of the elected President) along with other Ministers and senior bureaucrats. The CPID became the sole, well-resourced anti-corruption agency with extensive investigative powers, used also against some high-profile politicians. The *Prevention of Corruption Act 1960* also contained a broader definition of 'gratification' establishing corruption, extension to bribe-givers and -takers in the private as well as public sector, a shifting of the burden of proof (eg for persons with assets disproportionate to reported income), and mandatory penalty orders for disgorgement of bribe amounts. Amendments in 1996 extended its reach to offences by Singaporeans abroad and, after the Minister Teh Cheang Wan scandal, the *Corruption (Confiscation of Benefits) Act 1989* allowed courts to order confiscation against the estate of a defendant who derived benefits from corruption. Subsequent Prime Ministers maintained this trajectory, including extra protections in 2010 for whistleblowers and stricter penalties from 2021. The judiciary, built on English common law traditions, adopted a consistent stance of deterrence, issuing stiff fines and imprisonment for corruption offenders.[134]

The other main reason for Singapore's dramatic turnaround, almost eliminating corruption by 1990s, was an early courageous move for a poor country. From 1972, Singapore introduced competitive salaries for senior civil servants and ministers, benchmarking them against top private sector earners.[135] Singapore also benefited from being small in population and geographically, making comprehensive enforcement easier.

Malaysia took a different path. Its predecessor enacted an Ordinance in 1950, but a commission of inquiry into corruption reported in 1955, largely ignored by the Colonial Government.[136] The Federation of Malaya enacted a more functional *Prevention of Corruption Act 1961*, inspired by the new Act in Singapore. However, Malaysia's Anti-Corruption Agency was only established under the *Anti-Corruption Act 1967*, consolidating investigation, prevention, and

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131 Lee later recalled: 'We were sickened by the greed, corruption and decadence of many Asian leaders… We had a deep sense of mission to establish a clean and effective government': Lee Kuan Yew, *From Third World to First* (HarperCollins Publishers 2000) 157-158.

132 'Through more than 60 years of corruption-fighting, a deterrent stance has always been adopted': CPIB, 'Singapore's Corruption Control Framework' (2026), available at https://www.cpib.gov.sg/about-corruption/prevention-and-corruption/singapores-corruption-control-framework/ (accessed 10 July 2026). The commitment survived leadership transitions from Lee Kuan Yew through subsequent prime ministers: Quah, 'Lee Kuan Yew's Role in Minimising Corruption in Singapore'.

133 Shafira Nadya Nathasya, 'Uncover Singapore's Anti-Corruption Success Story', *SEA Actions: News,* 1 July 2025, available at https://www.seaanticorruption.org/2025/07/01/uncover-singapores-anti-corruption-success-story/.

134 CPIB, 'Singapore's Corruption Control Framework'.

135 Tom Theuns, 'The Anti-Corruption Argument for High Public Official Remuneration in Singapore' in *Lifting the Fog – Exercises in Analytical Discourse Evaluation*, vol V (2013). This attracted the 'best and brightest' to government service, and reducing the financial incentive for corruption: Zeger van der Wal, 'Singapore's Corrupt Practices Investigations Bureau: Guardian of Public Integrity' in Arjen Boin, Lauren A Fahy and Paul 't Hart (eds), *Guardians of Public Value* (Springer, 2021) 69. By the 1994 White Paper, private sector comparability was formalized: Theuns, 'The Anti-Corruption Argument for High Public Official Remuneration in Singapore' 92. Singapore now pays its government officials among the world's highest salaries for public figures: Bertelsmann Stiftung, 'Singapore Country Report 2026' (2026), available at https://bti-project.org/en/reports/country-report/SGP (accessed 13 July 2026).

136 Nik Ahmad Kamal bin Nik Mahmood, 'Fighting the Menace of the Society: Pusuing the Corrupts' (2023) 31 *IIUM Law Journal* 95, 100.

prosecution under one umbrella.[137] It struggled to retain independence from the government,[138] although its powers were increased in the *Anti-Corruption Act 1997* passed after it was renamed the National Bureau of Investigation (NBI) in 1973 and then re-renamed the ACA in 1982.[139]

The Agency's transformation into the MACC in 2009 was specifically designed to create an independent, transparent and professional commission.[140] Nonetheless, the degree of the MACC's actual independence has been contested. The Chief Commissioner is appointed by the King on the advice of the Prime Minister, and the agency's operational independence has been questioned, particularly during the 1MDB scandal era when the then-MACC Chief Commissioner was replaced after investigating then-Prime Minister Najib Razak.[141] Relatedly, anti-corruption enforcement is 'often seen as selectively implemented in a politically polarized context'.[142] "Grand corruption" (business-state collusion often not within legal definitions of corruption) remains rampant even as petty corruption has been somewhat addressed.[143] Selective enforcement has been facilitated by various other laws although some have been recently subject to amendments or proposals.[144] Also more positively, prosecution and

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[137] Ibid 106.
[138] Ibid110-111.
[139] Ibid 111-122.
[140] Choy Nyen Yiau, 'Corporate Mafia Claim Still under Police Probe Three Months after Cabinet-ordered Investigation', *The Edge Malaysia,* 23 June 2026, available at https://theedgemalaysia.com/node/807851. The *MACC Act 2009* established three external oversight bodies – the Anti-Corruption Advisory Board, the Special Committee on Corruption and the Complaints Committee – whose members are appointed by the King: The *MACC Act 2009*, Arts 13-15. Also modelled partly on Hong Kong's Independent Commission Against Corruption, the Consultation & Corruption Prevention Panel and the Operations Review Panels were formed administratively by the Prime Minister to check the performance of the MACC: Wan Murshida Wan Hashim and Mazlena Mohamed, 'Combating Corruption in Malaysia: An Analysis of the Anti-Corruption Commission Act 2009 with Special Reference to Legal Enforcement Body' (2019) 16 *Journal of Administrative Science* 11, 23.
[141] Critics have described MACC's independence as qualified by ongoing executive influence, and Najib's eventual jailing (mentioned above) highlighted the lack of consistent political will among Malaysian leaders in combatting corruption: Shauqi Wahab and Alissya Zunizam, 'Pressure Mounts for Structural Reform of Anti-corruption System', *The Malaysian Reserve,* 18 May 2026, available at https://themalaysianreserve.com/2026/05/18/pressure-mounts-for-structural-reform-of-anti-corruption-system/.
[142] David Hutt, 'Malaysia Government's Anti-corruption Maze Amid 1MDB Scandal', *Deutsche Welle,* 1 June 2026, available at https://www.dw.com/en/malaysia-politics-government-1mdb-corruption-scandal-reforms-anwar-ibrahim-najib-razak/a-75404237.
[143] Gomez, *Misgovernance: Grand Corruption in Malaysia*.
[144] The *Official Secrets Act* classifies in its Schedule government documents as 'secret', curbing freedom of information. The *Whistleblower Protection Act 2010* has been criticized as ineffective in practice, although the *Whistleblower Protection (Amendment) Bill* 2025 should strengthen protections – including removal of a proviso denying protection where disclosure was prohibited by another law such as the *Official Secrets Act*: Mohd Al Omar Che Abu Bakar and Mazlina Mohamad Mangsor, 'It's Not Enough to Speak, But to Speak True: Revisiting the Whistleblower Protection Law in Malaysia' (2022) 7 *Malaysian Journal of Social Sciences and Humanities* 1; Karen Foong Yee Ling, 'Bribery & Corruption Laws and Regulations 2026 – Malaysia ', *Global Legal Insights,* 18 December 2025, available at https://www.globallegalinsights.com/practice-areas/bribery-and-corruption-laws-and-regulations/malaysia/Also problematic has been that the continued absence of binding political financing disclosure requirements allows 'opaque political funding and undue influence to remain a structural corruption risk' (Transparency International Malaysia, 'Corruption Perceptions Index 2025: Malaysia Records Improvement', *Press Statement - Transparency International Malaysia,* 10 February 2026, available at https://www.transparency.org.my/pages/news-and-events/press-releases/press-release-corruption-perceptions-index-2025); and political parties in Malaysia (especially UMNO) have been permitted to hold equity stakes in companies, creating structural conflicts of interest: David Seth Jones, 'Challenges in Combating Corruption in Malaysia: Issues of Leadership, Culture and Money Politics' (2022) 25 *Public Administration and Policy: An Asia-Pacific Journal* 136, 143. However, the *Finance and Fiscal Responsibility Act 2023* has been introduced, and other recent reforms include amendments to the *Audit Act* expanding the Auditor-General's oversight to GLCs (Choy Nyen Yiau, 'Federal Auditors Can Now Audit Companies with Govt Guarantees', *The Edge Malaysia,* 25 July 2024, available at https://theedgemalaysia.com/node/720294), beneficial ownership

conviction of a former prime minister (Najib) demonstrated that Malaysian (perhaps like Singaporean and South Korean) courts can act against even high-profile political figures.[145] Nonetheless, Malaysia retains its *bumiputera* policies and bureaucracies, interacting with identity politics. This has contributed to an entrenched culture of money politics and political patronage, involving appointments to GLC boards, state enterprise positions, and direct contract awards to cronies.[146] Malaysia also is much larger country, with a federal system, and has not escalated public sector salaries to the extent of Singapore.

Even more extreme are India's geographical expanse, complicated federal-state politics, lower levels of economic development and related public sector (and judicial) remuneration. Unlike Malaysia and Singapore, there have been more shifts in political leadership, but these have not helped address two core problems distinguishing India: the lack of independence of its main enforcement agency (leading to politicised prosecutions), and judicial delays and related corruption especially in lower courts.

Just before India's independence the *Prevention of Corruption Act 1947* was enacted to prevent officials from profiting from postwar reconstruction, and the British had also established the Delhi Special Police Establishment to control wartime corruption. The latter became the Central Bureau of Investigation (CBI), India's premier investigative agency for corruption, but its distinctive weakness is that it remains a police agency rather than an independent statutory body. [147] Key structural problems include that the CBI reports to the Prime Minister's Office, reducing autonomy in politically sensitive cases; it needs prior government approval to investigate senior officials (Joint Secretary level and above) under the Act; and successive governments of all parties have been accused of using the CBI against political opponents.[148]

The *India Against Corruption* movement led by Anna Hazare in 2011 tried to address this issue after public outrage peaked over a series of massive corruption scandals (the coal block allocations, but also 2G spectrum and Commonwealth Games fiascos).[149] Hazare's Gandhian hunger strikes galvanized nationwide protests demanding establishment of an independent anti-corruption ombudsman.[150] The *Lokpal and Lokayuktas Act 2013* did establish an independent ombudsman (Lokpal) at the central level and Lokayuktas at the state level to investigate

transparency requirements, and corporate liability provisions added to the *MACC Act* in 2018 (mentioned above). The *Government Procurement Bill* was passed by the Senate on 28 August 2025 and expected to be enacted in 2027, with Clause 28 providing that 'the open and competitive procurement method shall be the primary method in conducting Government procurement': Ling, 'Bribery & Corruption Laws and Regulations 2026 – Malaysia 'open tendering for high-value procurement identified as a critical reform need.

[145] Latiff, 'Malaysia Ex-PM Najib Razak Jailed for 15 More Years in 1MDB Saga's Biggest Trial'

[146] Jones, 'Challenges in Combating Corruption in Malaysia: Issues of Leadership, Culture and Money Politics'.

[147] Gaurav Yadav, 'Central Bureau of Investigation (CBI) – Explained Pointwise', *Forum IAS,* 28 February 2026, available at https://forumias.com/blog/central-bureau-of-investigation-cbi-explained-pointwise/. In 2013, the apex Supreme Court famously described the CBI as a 'caged parrot speaking in its master's voice' during the Coalgate corruption investigation, when it emerged that the 'heart of the report' had been altered after sharing with government officials: Yudhajit Shankar Das, 'Caged Parrot Taunt Returns to Haunt', *India Today,* 13 September 2024, available at https://www.indiatoday.in/india/story/arvind-kejriwal-bail-cbi-central-bureau-of-investigation-caged-parrot-supreme-court-bjp-congress-fodder-scam-bihar-2599130-2024-09-13 In 2024, the Supreme Court revived this characterisation while granting bail to Delhi Chief Minister Arvind Kejriwal, finding that the CBI's arrest appeared designed to circumvent bail granted in a connected case: Explained Desk, 'Why Has Supreme Court Recalled Its Reference to CBI as a 'Caged Parrot'', *The Indian Express,* 13 September 2024, available at https://indianexpress.com/article/explained/supreme-court-cbi-caged-parrot-9566011/.

[148] Yadav, 'Central Bureau of Investigation (CBI) – Explained Pointwise'.

[149] Mitu Sengupta, 'Anna Hazare's Anti-Corruption Movement and the Limits of Mass Mobilization in India' (2014) 13 *Social Movement Studies* 406.

[150] Ibid.

corruption allegations against public functionaries including the Prime Minister, ministers and MPs.[151] However, the Lokpal was only operationalized years after the Act's passage.[152]. Anyway they can still cannot operate separately from the CBI, as initially envisaged.[153]

This structural problem with investigations and prosecutions is compounded by the courts. The Supreme Court has helped to some extent.[154] However, although the Supreme Court in 2014 cancelled 214 coal block allocations as 'arbitrary and illegal', subsequent criminal prosecutions ended in acquittals – not infrequent.[155] The bigger problem is huge judicial delays and related corruption.[156] Corruption is linked to a massive case backlog.[157] Delays also mean corruption cases themselves take years or decades to resolve, undermining deterrence. Occasionally, judicial corruption can reach the highest levels.[158]

Indonesia experiences similar problems, as another vast country where decentralisation – introduced with democratisation from 1998 partly triggered by the AFC – ironically can open scope for even more corruption by lower-level officials.[159] Judicial corruption is even more

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[151] Himaz Matta and Anjali Dixit, 'A Critical Study of Anti-Corruption Law in India with a Special Reference to Anti-Corruption Bureau, Faridabad' (2025) 2 *Journal of Marketing & Social Research* 180, 181.

[152] The Hindu Editorial Writer, 'Lokpal, at Last: The Establishment of the Anti-graft Body Is a Welcome Development', *The Hindu,* 19 March 2019, available at https://www.thehindu.com/opinion/editorial/lokpal-at-last/article26572294.ece.

[153] The compromise here (among many others) is that the Act gives the Lokpal superintendence and direction over the CBI ; and if the Lokpal refers a case, the investigating officer cannot be transferred without the Lokpal's prior approval: Devansh Sharma, 'Lokpal and Lokayuktas under the Lokpal and Lokayukta Act, 2013', *iPleaders,* 27 January 2020, available at https://blog.ipleaders.in/lokpal-and-lokayuktas/.

[154] For example, in *Vineet Narain v Union of India* (1998), it provided some independence to the CBI by fixing the Director's tenure at a minimum of two years. In *Subramanian Swamy v CBI* (2014) the Supreme Court struck down Section 6A of the *DSPE Act* governing the CBI, which required prior government approval to investigate senior officials, ruling it violated Article 14 (equality before law). *M. Karunanidhi v Union of India* (1979) established that ministers and prime ministers are 'public servants' under the PCA.

[155] A special judge found the CBI's case rested on 'conjunctures and surmises' with 'highly insufficient' evidence: The other two major scandals also shared massive public outrage, followed by investigation, prosecution, and ultimately acquittal under as corruption could not be established despite huge maladministration: V Aravinda, 'From 2G to Coal, Why India's Biggest 'Scams' Keep Ending in Acquittals', *The Federal Voice of the States,* 30 May 2026, available at https://thefederal.com/the-federal-special/india-scams-2g-commonwealth-coal-acquittals-supreme-court-236788.

[156] Over 45% of Indians believe the judiciary is corrupt: Nayana RenuKumar, 'The Indian Judiciary on Trial: Tackling Corruption in India's Courts', *The Global Anticorruption Blog,* 12 February 2016, available at https://globalanticorruptionblog.com/2016/02/12/the-indian-judiciary-on-trial-tackling-corruption-in-indias-courts/. The GAN Integrity reports 'a high risk of corruption when dealing with India's judiciary, especially at the lower court levels' where 'bribes and irregular payments are often exchanged in return for favourable court decisions': https://www.ganintegrity.com/country-profiles/india/.

[157] There are over 50 million pending cases across district, subordinate, and (to a lesser extent) High Courts: Shailesh Gandhi, 'Judicial Corruption and Case Backlog: An Exception or an Endemic?', *Impact and Policy Research Institute: Insights,* 4 April 2025, available at https://www.impriindia.com/insights/judicial-corruption-and-case-backlog/. Accordingly, 'litigants often pay bribes to secure favorable hearing dates or expedite orders': Shailesh Gandhi, 'Judicial Accountability: How Systemic Issues Like Pendency Sustain the Indian Judiciary's Corruption Problem', *The Leaflet: Constitution First,* 24 March 2025, available at https://theleaflet.in/judicial-accountability/how-systemic-issues-like-pendency-sustain-the-indian-judiciarys-corruption-problem.

[158] In 2010, former Law Minister Shanti Bhushan alleged in a Supreme Court affidavit that eight of the previous sixteen Chief Justices of India were corrupt: Gandhi, 'Judicial Accountability: How Systemic Issues Like Pendency Sustain the Indian Judiciary's Corruption Problem'. In 2025, a fire at the residence of Delhi High Court Justice Yashwant Varma uncovered a large stash of cash (estimated up to ₹50 crore), triggering renewed nationwide debate on judicial integrity: Gandhi, 'Judicial Corruption and Case Backlog: An Exception or an Endemic?'.

[159] Butt, *Corruption and Law in Indonesia*.

pervasive, including at the highest levels. Recent attempts and achievements in addressing delays have perversely often made judgment reasoning even more unclear,[160] potentially creating new opportunities for judicial corruption. This is a particular risk since there has been a backlash recently against the independent anti-corruption agency – the Corruption Eradication Commission (Komisi Pemberantasan Korupsi, KPK) – set up admirably in 2002 to implement the 1999 anti-corruption law. Despite its significant public support, KPK's power has been severely weakened by Law 19 of 2019, which 'mandated the termination of investigations after two years, removed the KPK's independence by making it part of the state bureaucracy, established a supervisory board with extensive powers of intervention, and made the KPK subject to investigation (hak angket) by the national legislature'.[161]

Korea's social movement that toppled decades of military-backed authoritarianism in 1987 generated reforms for transparency, including (over 1993-7) requiring high-ranking officials to register assets and prohibited false-name financial transactions.[162] OECD accession in 1996 led to Korea's criminalisation of bribery of foreign officials. Then the AFC and IMF bailout highlighted persistent *chaebol*-centred business-government collusion and led to the Anti-Corruption Act 2001, including an independent enforcement agency. Merger in 2008 with the Ombudsman created a potentially even more powerful agency.[163]

The *Improper Solicitation and Graft Act 2016* expanded coverage beyond officials to prohibit outright also their spouses plus eg employees of private media companies and schools from receiving meals and gifts above low monetary thresholds.[164] Benefits over larger thresholds were also criminalised regardless of any connection to official duties.[165] Unlike the old *Criminal Code*, the Act also adds liability on corporations for employee violations, unless the corporation exercised due care.[166] By end-2020, sanctions had been imposed on 1025 individuals although only 39 faced criminal prosecution — and only 5 received imprisonment.[167]

Remarkably for Asia, four former presidents were convicted for corruption.[168] These included Park Geun-Hye after impeachment (daughter of a former military-backed leader), for bribes from *chaebol* Samsung's CEO Lee Jae-Yong, including first in 2018 (Korea's first lower-court criminal ruling broadcast live). Her lengthy jail term was somewhat reduced by the Supreme

[160] Simon Butt, *Judicial Dysfunction in Indonesia* (Melbourne University Press 2023).
[161] Simon Butt, Antony Crockett and Tim Lindsey, 'Corruption and Illegality in Asian Investment Disputes: Indonesia' in Nobumichi Teramura, Luke Nottage and Bruno Jetin (eds), *Corruption and Illegality in Asian Investment Arbitration* (Springer, 2024) 263.
[162] Korean Cultural Center NY, 'Korea Information - History' (n.d.), available at https://www.koreanculture.org/korea-information-history (accessed 10 July 2026).
[163] Legislation in 2019 and 2022 – the *Act on Prohibition of False Claims for Public Funds and Recovery of Illicit Profits* and the *Act on the Prevention of Public Officials' Conflicts of Interest* – adds rules on recovering illicit profits and false claims for public claims, and preventing officials' conflict of interest. There are also laws protecting whistleblowers and anti-money laundering, such as the *Act on the Protection of Public Interest Whistleblowers*, the *Financial Transaction Reports Act* and the *Proceeds of Crime Act*.
[164] Improper Solicitation and Graft Act 2016, Arts 1 and 8.
[165] Ibid, Art 8.
[166] Ibid, Art 24.
[167] Seung Ho Lee and others, 'Fifth Anniversary of the Anti-Graft Act: Trends and Enforcement Outlook', *Lexology,* 22 December 2021, available at https://www.lexology.com/library/detail.aspx?g=23e6732b-b9ac-4357-96da-3b0001fafe16.
[168] Others were former military backed Presidents Chun Doo-hwan and Roh Tae-woo (over the 1990s) and Lee Myung-bak (2020): Da-hyun, 'From Roh to Yoon: History of Korea's Arrested Presidents'.

Court but she served almost five years in prison until pardoned late-2021.[169] Lee was also initially convicted and pardoned, as his father as Samsung chairman had been over 2008-9.[170] The leader of SK was also convicted then pardoned for embezzlement (then reinstated at SK), and the leader of Hyundai Motors was convicted of bribery but with a suspended sentence.[171]

This reflects a broader pattern of leniency related to chaebol-related criminal cases, reflecting wider social concern about impacts on the wider economy as well as "under-resourced enforcement agencies, corruption in enforcement processes, judicial delays, the overuse of probation, and frequent presidential pardons, which collectively undermine the effectiveness of institutional accountability.[172] Somewhat similarly to India, cases have sometimes been perceived as politically motivated, with each outgoing president's prosecution appearing to some as 'political revenge' by successors.[173]

Overall, deterrent effects are thereby reduced. Korea's CPI score has stagnated somewhat in 2024–2025 (to 64–63) since the dramatic conviction then pardon of Park in 2016 (scoring 53). Political will and institutional independence remain less intense than in Singapore or Japan, despite civil society pressures that have generated significant law reforms – including the *Graft Act 2016* that adds bright-line rules, partially addressing the persistent but ambivalent legacy of broad Confucian relational norms in Korean society.

In modern China, resisting corruption has been a consistent political theme but the lack of independent institutions has undermined effectiveness. The perceived weakness and corruption of the late Qing dynasty and the Republican period imprinted the CCP's revolutionary narrative: corruption was identified as a symptom of feudal and capitalist exploitation.[174] Several anti-corruption campaigns were carried out in the early years of the PRC, though they often doubled as mechanisms to promote ideological conformity and political loyalty.[175] Resurgent corruption after Deng Xiaoping's 'reform and opening up' of market socialism from 1978 prompted vigorous campaigns by leaders.[176] Outbound FDI, boosted by the 2013 Belt

[169] Gawon Bae and Helen Regan, 'South Korea Pardons Disgraced Former President Park Geun-hye', *CNN World,* 24 December 2021, available at https://edition.cnn.com/2021/12/23/asia/south-korea-park-pardoned-intl-hnk.
[170] Tong-Hyung, 'South Korea to Pardon Samsung's Lee, Other Corporate Giants'; Rhee So-euі, 'South Korea to Pardon Former Samsung Chairman', *Reuters,* 29 December 2009, available at https://www.reuters.com/article/world/south-korea-to-pardon-former-samsung-chairman-idUSTRE5BS07W/
[171] Reuters, 'South Korea Pardons SK Group Leader Amid Growing Discontent Over Chaebol', *Reuters,* 13 August 2015, available at https://www.reuters.com/article/world/south-korea-pardons-sk-group-leader-amid-growing-discontent-over-chaebol-idUSKCN0QI0CZ/; Yim Hyun-su, 'Chaebol and Prison: A Quick Look at Chiefs Who Served Jail Terms', *The Korea Herald,* 18 June 2021, available at https://www.koreaherald.com/article/2539080.
[172] Sangin Park, 'Chaebol Reforms Are Crucial for South Korea's Future', *East Asia Forum,* 24 March 2021, available at https://eastasiaforum.org/2021/03/24/chaebol-reforms-are-crucial-for-south-koreas-future/.
[173] Justin McCurry, 'South Korea: Park Geun-hye Denounces Trial as 'Political Revenge'', *The Guardian,* 16 October 2017, available at https://www.theguardian.com/world/2017/oct/16/ex-south-korea-president-park-guen-hye-decries-corruption-trial-as-political-revenge.
[174] Daniel A Bell, 'China's Anti-Corruption Campaign and the Challenges of Political Meritocracy' (2020) 4 *Americal Affairs* 198.
[175] Rahul Karan Reddy, 'Anti-corruption Campaigns in China', *Organisation for Research on China and Asia: Backgrounders,* 16 December 2024, available at https://orcasia.org/anti-corruption-campaigns-in-china.
[176] Ibid. The Tiananmen Square protests of 1989, 'remembered in the West as a pro-democracy protest, began as a demonstration against corruption': EBSCO, 'Research Starter: Anti-Corruption Struggles in China' (2023), available at https://www.ebsco.com/research-starters/law/anti-corruption-struggles-china (accessed 11 July 2026).

and Road Initiative, created more risks so China prohibited bribery of foreign officials from 2011 (albeit without joining the OECD Convention).

The *1980 Criminal Law* sanctions individuals and corporate entities for bribery, as well as embezzlement, misappropriating public funds and abuse of power – with potentially severe consequences, including unusually the death penalty (albeit implemented rarely and often for political effect).[177] Commercial bribery is regulated under the *Anti-Unfair Competition Law 1993* (like Singapore from early on) revised second time in 2025.[178] The *Supervision Law 2018* established the current institutional framework for anti-corruption investigation and governance of all public officials.[179]

China's enforcement architecture remains distinctive. The CCP's CCDI investigates Party discipline violations. It investigates before matters proceed to court, and used extra-legal detention measures (shuanggui, now replaced by liuzhi) to extract confessions.[180] The NSC from 2018 merged the state's administrative supervision functions with the Party's disciplinary functions.[181] Operating under the principle of 'one organisation with two names',[182] the CCDI and NSC 'now work hand-in-glove'.[183] The People's Procuratorate retains the power to prosecute corruption cases and investigate duty-related crimes of judicial functionaries.[184] Yet China scored 43 out of 100 on the 2025 Corruption Perceptions Index, maintaining both its problematic score and global ranking (approximately 76th).

4. COMPARATIVE CONCLUSIONS

Corruption remains a serious socio-economic and political problem across Asia, despite a few countries where it has been largely eliminated – notably Singapore and Japan. Colonialism and its institutions left mixed legacies. The (quite numerous) countries with subsequently authoritarian regimes, even in those allowing widespread voting, mostly entrenched business-state collusion maintaining corruption. Religious and cultural norms continue to play ambiguous roles. Economic and political crises add opportunities to bolster (direct and indirect) anti-corruption laws, which have gradually been enacted and strengthened across Asia. Sometimes these potentials are bolstered by international organisations and growing treaty or "soft law" regimes, which also play a more general although still quite limited role. The main determinants of national success in reducing corruption are consistent and impartial (rather than self-serving) political will, and independent institutions – including not only a well-resourced anti-corruption agency with broad powers, but also effective and independent courts, free press and NGOs.

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[177] Kelly Ng, 'China Sentences Official to Death for Taking $325m in Bribes', *BBC,* 7 July 2026, available at https://www.bbc.com/news/articles/c33y0n1v1xjo. The *Criminal Procedure Law* also allows in Article 298 confiscation of illegal gains even when suspects have absconded or died.
[178] *Anti-Unfair Competition Law 1993*, Art 8.
[179] *Supervision Law 2018*, Arts 1, 3, 6.
[180] Pratik Jakhar, 'China's Anti-corruption Campaign Expands with New Agency', *BBC,* 20 March 2018, available at https://www.bbc.com/news/world-asia-china-43453769.
[181] Tobias Smith, 'Power Surge: China's New National Supervisory Commission' in Jane Golley and others (eds), *The China Story* (ANU Press, 2018) 31.
[182] Salina Li, 'University Students Can Now Major in China's Anti-corruption Drive', *South China Morning Post,* 6 November 2022, available at https://www.scmp.com/news/china/politics/article/3198497/university-students-can-now-major-chinas-anti-corruption-drive.
[183] Smith, 'Power Surge: China's New National Supervisory Commission' 31.
[184] Zhiyuan Guo, 'Anti-Corruption Mechanisms in China after the Supervision Law' (2023) 1 *Journal of Economic Criminology*, 3.

APPENDIX: Anti-Corruption (Related) Legislation Compared

The table below provides a comparative overview of the principal anti-corruption and related legislative frameworks across seven major Asian jurisdictions. It covers the main anti-corruption statute (including foreign bribery provisions), whistleblower protection, government procurement, anti-money laundering, asset declaration requirements, information disclosure, ombudsman arrangements, and other significant anti-corruption legislation. Years noted indicate initial enactment; major amendments are referenced where applicable.

Category	Singapore	Malaysia	Indonesia	India	South Korea	China	Japan
(a) Main Anti-Corruption Statute	Prevention of Corruption Act 1960 (PCA). Replaced Prevention of Corruption Ordinance (1937). Numerous amendments. Extra-territorial jurisdiction. No separate foreign bribery statute; PCA applies broadly to foreign officials. Enforcement: CPIB (est. 1952).	Malaysian Anti-Corruption Commission Act 2009 (MACC Act). Replaced Anti-Corruption Act 1997. S.17A corporate liability added 2018 (effective 2020). Extra-territorial jurisdiction. Enforcement: MACC (est. 2009).	Law No. 31/1999 on Eradication of Corruption, amended by Law No. 20/2001. KPK (Corruption Eradication Commission) est. by Law No. 30/2002, operational 2003. Amended by Law No. 19/2019 (weakened KPK independence). No separate foreign bribery statute.	Prevention of Corruption Act 1988 (PCA). Replaced PCA 1947. Major amendment: PCA (Amendment) Act 2018 (criminalised bribe-giving, Section 9 on foreign officials, aligned with UNCAC). Enforcement: CBI (est. 1963); CVC (statutory 2003).	Criminal Act 1953 (Arts. 129-133). ACRC Act 2001 (KICAC est. 2002, reorganized to ACRC 2008). Foreign bribery: FBPA 1999 (OECD Convention). Improper Solicitation and Graft Act 2016 (Kim Young-ran Act). Aggravated Punishment Acts.	Criminal Law 1979 (effective 1980); comprehensive revision 1997. Amendment VIII (2011): criminalised foreign bribery. Amendment IX (2015): revised sentencing. Amendment XII (2023): increased penalties. Supervision Law 2018. Enforcement: CCDI/NSC (merged 2018).	Penal Code 1907 (Arts. 197-198). Foreign bribery: Unfair Competition Prevention Act (UCPA), amended 1998 (effective 1999, OECD Convention); further amended 2023 (strengthened penalties). No single dedicated anti-corruption agency.
(b) Whistleblower Protection Legislation	No standalone whistleblower act. Protections incorporated within PCA framework and CPIB reporting mechanisms.	Whistleblower Protection Act 2010 (Act 711). Also: Witness Protection Act 2009.	Law No. 13/2006 on Witness and Victim Protection (amended by Law No. 31/2014). Witness and Victim Protection Agency (LPSK) established.	Whistleblowers Protection Act 2014 (enacted but implementation remains weak).	Act on the Protection of Public Interest Whistleblowers 2011 (strengthened 2015). Reward system operated by ACRC.	No single comprehensive statute. Provisions on Reporting of Crimes 2009 (strengthened 2014); Provisions on Protecting Whistleblowers 2016; CCDI reporting platforms 2013-2016.	Whistleblower Protection Act 2004 (amended 2020, effective 2022). Consumer Affairs Agency (CAA) enforces.
(c) Government Procurement Legislation	Government Procurement Act 1997. Aligned with WTO GPA. Government Procurement Adjudication Tribunal handles disputes.	No standalone statute. Governed by Treasury Instructions and circulars under Financial Procedure Act 1957. Not a WTO GPA party.	Presidential Regulation No. 16/2018 on Government Procurement (replaced Pres. Reg. No. 54/2010). National Procurement Policy Agency (LKPP) oversees.	No single comprehensive statute. General Financial Rules 2017 govern central procurement. Public Procurement Bill 2012 lapsed. Government e-Marketplace (GeM) est. 2016.	Act on Contracts to Which the State is a Party (Government Contracts Act). Public Procurement Service (PPS) manages.	Government Procurement Law 2002 (effective 2003). Tendering and Bidding Law 1999.	Accounts Act 1947. Act on Promotion of Proper Tendering and Contracting for Public Works 2000. Aligned with WTO GPA.
(d) Anti-Money Laundering Laws	Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 (CDSA). Works with PCA to punish laundering of bribe money.	Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (AMLATFA).	Law No. 8/2010 on Prevention and Eradication of Money Laundering (replaced Law No. 15/2002). FIU: PPATK/INTRAC.	Prevention of Money Laundering Act 2002 (PMLA) (effective 2005, amended multiple times). Enforcement Directorate enforces. India joined FATF 2010.	Proceeds of Crime Act (POCA); Financial Transaction Reports Act (FTRA). Korea Financial Intelligence Unit (KoFIU) est. 2001.	Anti-Money Laundering Law 2006 (effective 2007; comprehensively amended Nov 2024, effective Jan 2025). PBOC oversees. China joined FATF 2007.	Act on Prevention of Transfer of Criminal Proceeds 2007; Act on Punishment of Organised Crimes 1999 (effective 2000); Anti-Drug Special Provisions Act 1991. FIU: JAFIC.

Category	Singapore	Malaysia	Indonesia	India	South Korea	China	Japan
(e) Asset Reporting/Declaration Laws	No separate public asset declaration law. Public servants subject to Public Service (Conduct and Discipline) Regulations requiring internal asset declarations.	Public servants declare assets under General Orders and Public Officers Regulations. MPs required to declare assets under Standing Orders (introduced 2019-2020).	Law No. 28/1999 on Clean Governance. Public officials report assets to KPK (under Art. 12C Corruption Eradication Act). KPKPN later absorbed into KPK.	Public Servants (Declaration of Assets & Liabilities) Rules under All India Services (Conduct) Rules 1968. Lokpal Act 2013 requires declarations. Representation of the People Act 1951 (candidates).	Public Service Ethics Act 1981 (property registration/disclosure; post-employment restrictions). Political Funds Act.	No comprehensive public law. Internal CPC regulations: Provisions on Leading Cadres' Reporting of Personal Matters (revised 2017). Not publicly disclosed.	National Public Service Ethics Act 1999 and Ethics Code 2000. Act on Disclosure of Assets of Diet Members 1992 (effective 1993).
(f) Official Information Disclosure Legislation	No Freedom of Information Act. Official Secrets Act 1935 restricts disclosure. No general public right of access.	No federal FOI Act. State-level: Selangor FOI Enactment 2011; Penang 2010. Official Secrets Act 1972 restricts federal disclosure.	Law No. 14/2008 on Public Information Disclosure. Central Information Commission established.	Right to Information Act 2005 (RTI). Replaced Freedom of Information Act 2002. Central and State Information Commissions established.	Act on Disclosure of Information by Public Agencies 1996 (effective 1998).	Regulations on Open Government Information 2007 (State Council regulation; revised 2019). Not NPC legislation; lower legal status.	Act on Access to Information Held by Administrative Organs 1999 (Act No. 42). Information Disclosure Review Board reviews refusals.
(g) Ombudsman Schemes	No formal national ombudsman. Elected President has custodial oversight over reserves and key appointments.	No formal national ombudsman. Public Complaints Bureau (under PM's Department) handles complaints. MACC Advisory Board provides some oversight.	Ombudsman of the Republic of Indonesia, est. by Law No. 37/2008 (previously by Presidential Decree 44/2000).	Lokpal and Lokayuktas Act 2013. Lokpal (central); Lokayuktas (state). First Lokpal appointed 2019. CVC also has oversight role.	ACRC integrates anti-corruption, administrative appeals, and ombudsman functions (since 2008 merger). Board of Audit and Inspection (constitutional body).	No formal ombudsman. NSC/CCDI handles complaints. Letters and Visits (Xinfang) system. People's Procuratorates handle legal supervision.	No formal national ombudsman. Administrative Complaint Review Act provides mechanisms. Board of Audit (independent constitutional organ). Some local ombudsman systems.
(h) Other Major Anti-Corruption Legislation	Penal Code 1871 (public servant offences); Competition Act 2004; Official Secrets Act 1935.	Penal Code (Sections 161-165); Election Offences Act 1954; MACC (Officers) Rules.	Law No. 28/1999 on Clean Governance; Anti-Monopoly Law (Law No. 5/1999); Criminal Code provisions.	Lokpal and Lokayuktas Act 2013; Benami Transactions Act 1988 (amended 2016); Bharatiya Nyaya Sanhita 2023; Companies Act 2013; Black Money Act 2015.	Kim Young-ran Act 2016; Act on Prohibition of False Claims 2019; Political Funds Act; Public Service Ethics Act 1981; Specific Crimes/Economic Crimes Acts.	Anti-Unfair Competition Law 1993 (revised 2017, 2019); Supervision Law 2018; CPC Disciplinary Regulations; International Criminal Judicial Assistance Law 2018.	National Public Service Ethics Act 1999; Political Funds Control Act 1948; Act on Elimination of Bid Rigging; Companies Act; Act on Prohibition of Private Monopolisation.

Note: This table reflects legislation as of June 2026. Enforcement effectiveness, implementing regulations, and subsidiary instruments vary significantly across jurisdictions.