

## **Fighting Public Sector Corruption: A Review of the Legal Framework in Ghana**

**Evans Kelvin Gyau<sup>1</sup> Paul Kwame Yeboah<sup>2</sup> Joseph Twene Obour<sup>3</sup>**

<sup>1</sup>Sunyani Technical University, Accountancy Department, <sup>2</sup>Catholic University of Ghana, <sup>3</sup>Sunyani Technical University, Internal Audit Directorate

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**ABSTRACT:** *Public sector corruption has been a menace to the development of Ghana. Corruption in Ghana seems to be growing with each passing year. Many citizens are struggling to understand why the country cannot overcome this menace. The rule of law is essential in combating corruption. In this paper, a review of the legal framework for fighting corruption is undertaken with the aim of identifying and suggesting ways of improving the ways of fighting corruption in Ghana. From the review, it is suggested that courts must carefully balance the rights of the accused against the wider public interest and that we must have an independent, impartial, and effective judiciary because it is the cornerstone of accountable government.*

**KEYWORDS:** corruption, legal framework public sector, corruption

### **INTRODUCTION**

Public sector corruption is a major problem in many developing economies throughout the world. Several governments in many countries have attempted to eliminate this problem without success. According to Onuigbo & Eme (2015), corruption, being of a multifaceted nature, pervades all spheres of our socioeconomic and political existence. The legislature, executive, judiciary, private sector, and civil society are all implicated. Corruption can be defined as an act of selfishness within the public sphere, characterized by egotism and a misguided belief that formal power can be utilized for personal gains (Teachout, 2015). The term "corruption" often serves as a means to censure conduct that contravenes the values held by the speaker. The term connotes imagery of decomposition, deterioration, and decline; corrupt activities insidiously erode a pristine ideal. However, in instances where not all individuals espouse identical values, the term may imply a domineering

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insistence on the righteousness and virtue of one's own perspective (Rose-Ackerman, 2018). Corruption pertains to the concept of abuse, specifically of public or entrusted power, with the primary objective of acquiring private gains. Thus, the overall purpose of corruption is economic gain. From the above, corruption can be defined as an act of improper exploitation of public power, position, or funds. This can materialize through illicit or unauthorized actions or through the neglect of public sector personnel or institutions. Additionally, those who attempt to inappropriately influence the functions or decisions of the public sector also contribute to the manifestation of corruption. An action is deemed corrupt when it is motivated by self-serving, limited interests, whereas it is not considered corrupt when it is undertaken in the interest of the general public (Teachout, 2015). The phenomenon of corruption encompasses a wide array of behaviors, including but not limited to bribery, extortion, cronyism, and the misuse of information (Graycar, 2015). Fisman & Golden (2017) opine that about half of the world's population lives in countries where corruption is endemic. This means most people live in places where they have to contend with paying bribes for receiving services from the government.

Corruption has several negative effects on the fiber on which society exists. Unconstructed roads, poor electricity supply to citizens, poor water supply, inadequate or inefficient security infrastructure, and poor service delivery by local and central government. The effects of corruption on nations are widespread and can be a cause for great tragedy. It is particularly detrimental to the economic performance of developing countries, such as those found in sub-Saharan Africa (Onuigbo & Eme 2015). This has been stressed by Onuigbo and Eme (2015), who describe the effects of corruption on nations as widespread and can be a cause for great tragedy. It was buttressed by Dimant & Schulte (2016), as the authors believed that the perpetration of multifaceted corruption poses a significant threat to the fundamental principles of democracy, posing a challenge to its governance in diverse ways. The contravention of norms and regulations has resulted in corruption becoming a ubiquitous topic of discussion on almost any political agenda, on an extensive scale (Dimant & Schulte, 2016). Moldogaziev & Liu (2021) shared the view that it is difficult to dispute the fact that corruption within the public sector has a detrimental impact on the provision of services, leading to decreased efficiency, effectiveness, and equitability. As a result of these unfavorable consequences, it is logical to assume that the performance levels of public organizations, both in terms of actual outcomes and public perception, will experience a negative correlation with incidents of corruption.

Corruption is a world-wide phenomenon, as it happens in both developed and developing economies and has widespread effects on citizens. According to Dei et al. (2022), many nations face widespread corruption, impeding their economic growth, eroding trust in democratic principles, and weakening the legal system. In Europe, studies have found that there is corruption, even though tough measures have been taken against it. Priotr (2023)

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finds that corruption poses a significant obstacle to the European Union and affects all its Member States to varying degrees. Corruption poses a danger to the financial interests and existence of the European Union. Additionally, it is a significant threat to the domestic market, and ensuring consistent and rigorous anti-corruption laws is an effective measure against corruption (Dei et al., 2022). However, the 2019 transparency international corruption rating for EU member states received a low rating, indicating that the EU has taken steps to combat the menace of corruption. In Asia, the issue is not any better, as in 2017, almost 900 million people in Asia Pacific paid bribes to access public services, according to Global Corruption Barometer data (GCB). In Vietnam, 65% of respondents paid bribes to access public services, with the country having the second highest bribery rates for public schools (57%), followed by healthcare (59%). This indicates significant corruption risks when accessing basic services (Chêne, 2019). The 2019 Global Corruption Barometer shows ongoing governance challenges in North Africa and the Middle East. Corruption and nepotism are problems, corruption levels are increasing, and trust in governments to handle corruption is low (Transparency International, 2019). The survey conducted by Transparency International, known as the Global Corruption Barometer, was carried out in Malaysia from July 2019 to June 2020 and revealed that 71% of Malaysians consider government corruption to be a significant concern. Ngah & Mohd (2023).

In Africa, the story is not different. As described by Mlambo et al. (2019), corruption has been witnessed as one of the major players when viewing Africa's current lack of development and economic growth post-independence. The authors further add that, over time, corruption has hindered Africa's development and economic growth, greatly impacting the general population.

Ghana has had several corruption scandals that made news headlines. According to myjoyonline.com, the SNNIT scandal is well-known among them. The scandal involving the procurement of ICT infrastructure for the Ghana Social Security and National Insurance Trust (SSNIT) at a cost of \$72 million, well above the initial estimated amount for the project, has been widely reported. The investigation into this scandal was initiated in August 2017 by the Economic and Organized Crime Office (EOCO). It was revealed that the trust had invested \$72 million in the procurement and installation of a software system known as the Operational Business Suit (OBS) with the aim of digitalizing SSNIT operations. No wonder Transparency International ranks Ghana at 72 in its 2022 Global Report, with a total score of 42/100. This score has not changed since 2021. All these corruption allegations go on day in and day out, but Ghana has a solid legal and institutional framework to fight this administrative corruption.

Many of these cases never get prosecuted to the end. An analysis of the legal framework for fighting corruption is limited in the literature. As noted by Kazyrytski (2020), despite

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the considerable scholarly scrutiny devoted to the subject matter, a number of critical aspects pertaining to the enforcement of criminal policy have yet to be adequately addressed by the academic fraternity. Monteduro et al. (2016) concluded that there is limited research in this field that needs improvement. This study therefore seeks to contribute to knowledge through a review of the legal framework for fighting corruption in Ghana, identify the challenges, and profess solutions to fighting administrative corruption in Ghana. In addition, in Ghana there has not been a review of the legal framework for fighting corruption. This presents a research opportunity.

The objective of this paper is to analyze the legal framework for fighting corruption in Ghana. The main objectives of this study are to review the legal framework for fighting corruption in Ghana and identify the challenges of the current legal system for fighting corruption.

The contributions of this paper to the literature are to present a framework for fighting corruption in Ghana, which will be an invaluable document for researchers who will find insights and determine their research agenda going forward. This work will supplement research work on corruption in Ghana, as it will lay down what laws are in Ghana and why the laws are unable to fight corruption. Finally, the results of this work will have significant implications for literature and how corruption should be fought to achieve desired results.

The paper is organized as follows: The next section will review existing literature on ways of fighting corruption, then an analysis of the legal framework for fighting corruption will be done. Findings, implications, and recommendations will follow. The study concludes with recommendations for future research.

The study adopts the desk research method to arrive at its findings. It relies solely on the laws of Ghana that fight corruption; hence, it uses secondary data. Relevant literature will be collected from statutes to do the analysis. The laws that will be reviewed are: The Economic and Organised Crime Act, 2010, Special Prosecutor Act 2017, (Act 959); the Commission for Human Rights and Administrative Justice Act, 1993 (Act 456); the Audit Service Act, 2000 (Act 584); the Public Procurement Act 2003 (Act 663), as amended by Act 914; and the Serious Fraud Office Act 1993 (Act 466).

## **LITERATURE REVIEW**

### **Fighting Corruption**

Corruption affects every public sector organisation be it a metropolitan, municipal, or district SOE, or other governmental organizations. This has been stressed by Erbuğa

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(2022), who opined that it can be observed that virtually all public sector entities, including state-owned enterprises, regardless of their inherent characteristics, acknowledge their sui generis reality, which entails distinctive perceptions, frameworks of regulations, consequences, benchmarks, and strategies. Literature has identified four main ways in which organizations and, hence, the government can fight fraud. These include the use of forensic accountants (auditors), the use of internal auditors and internal controls, the media, and whistleblowing.

Forensic accounting entails a methodical and thorough approach to accounting in order to uncover the financial activities of persons or corporate entities with the aim of ascertaining whether any unlawful financial activities have been committed by said persons or entities (Eze & Okoye, 2019). Afriyie et al. (2023) see forensic accounting as a specialized area of expertise that leverages accounting skills to scrutinize fraud, misappropriation, or embezzlement while simultaneously analyzing financial data that is appropriate for presentation in a court of law. Forensic accounting is a discipline that employs a three-fold approach that involves the utilization of accounting, auditing, and investigative skills. In a survey, Occansey (2017) found results to suggest that the application of forensic accounting techniques has a significant impact on combating economic and financial crimes in Ghana. This result has been corroborated by Eze & Okoye (2019), who found a significant relationship between the use of forensic accounting and the detection and prevention of fraud in the public sector, specifically in Imo State, Nigeria, and recommended strengthening forensic accounting in the public sector and the commitment of top-level management to the program, as well as the adoption of forensic accounting techniques by anti-graft agencies. From this study, it could be deduced that the use of forensic accountants has the effect of preventing fraud from occurring. In another study, Madzivire et al. (2020) reported that there is a positive relationship between training, level of education, and the ability to detect and prevent fraud. It was also found that litigation support services have a huge role to play in the effectiveness of forensic auditing in detecting and preventing fraud. Afriyie et al. (2023) report that the practice applies reliable principles and methods to obtain sufficient facts or data that provide a basis for prosecution in the law court. The authors emphasize the need for skilled forensic accountants to detect, prevent, and expose weak systems in organizations. The findings of the paper suggest that auditing skills have a positive effect on fraud control. Overall, the paper highlights the importance of forensic accounting in preventing and detecting financial fraud in organizations.

The use of internal auditors and internal controls has been identified as a preventive measure against fraud and corruption, especially in the public sector. In Ghana, it is mandatory for every public sector organization to have an internal audit unit that will go through transactions before they are executed. This is to prevent a wrong transaction from

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being executed against the interests of the public. Asiedu & Deffor (2017) analyze the link between corruption and effective internal audit function (EIAF) in Ghana through a survey of directors and managers of selected public sector organizations. The study found that full implementation of Act 658, size of the internal audit department, and independence of the audit department significantly affect the effectiveness of the internal audit function, which negatively impacts corruption in the public sector. In another study, Rifai & Mardijuwono (2020) found a positive relationship exists between auditor integrity and organizational commitment to fraud prevention, with results showing that 50.6% of the fraud prevention variable can be explained by the integrity variables and the organizational commitment. Ar'Reza et al. (2020) also find evidence that fraud detection corresponds to the role and activities of internal auditors, and their competence is sufficient to conduct such detection. It is obvious that the internal audit plays a major role in the organization's ability to detect or prevent fraud, and therefore, if management wants to prevent fraud, they should pay more attention to enhancing and resourcing the internal audit units. Hazami-Ammar (2019) finds that IAF's self-investigation about fraud and irregularities (SIFI) is positively correlated to independence and objectivity, the number of activities performed by the function, the adoption of a systematic approach to evaluate the effectiveness of risk management, and the size of the company. The findings have implications for chief audit executives (CAEs) who wish to improve the IAF's ability to investigate fraud. More recently, Lonto et al. (2023) concluded that audit effectiveness for fraud prevention is affected by audit quality. The higher the independence of the internal auditor's functions in audit assignment, the better the audit quality, which will increase the effectiveness of internal audit in preventing fraud. The study also tested several hypotheses, and the empirical evidence obtained shows that professional competence and skills do not affect the effectiveness of internal audits to prevent fraud.

In recent times, the media has been seen as a force when it comes to fighting fraud or corruption in the public sector, mainly due to their ability to report corrupt practices and by adopting a watchdog role. According to Schauseil (2019), in relation to the issue of anti-corruption, the media presents a crucial avenue for the dissemination of information pertaining to governmental, administrative, and business activities to a wider society. In doing so, it affords the public the vital capability to hold those in positions of power accountable for their actions. In democratic societies, the private media is frequently regarded as the fourth arm of the government and is therefore anticipated to fulfill the role of a vigilant sentinel (Asomah, 2020). Bondarenko et al. (2021) confirm the ability of domestic journalists to conduct corruption investigations and disclosures, which have led to the opening of criminal proceedings in their research. The authors add that the presence of a proficient media infrastructure within a given state is the fundamental prerequisite for the successful implementation of the principle of transparency in the operations of public administration. This is essential in order to ensure optimal and transparent oversight of the

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activities undertaken by the public administration. Arnold & Lal (2012) assert that the dissemination of information regarding corruption and potential remedies thereof is a crucial function of the media. Through their widespread coverage, media outlets are able to compel politicians to take heed of this issue. Moreover, they offer a platform for citizens to express their viewpoints and call for accountability from those in positions of authority. From the foregoing, it can be deduced that the media has a great impact on the fight against public sector corruption, which has bedeviled the Ghanaian economy. In his research, Asomah (2020) found results that show that Ghanaian private media address political corruption through investigative reporting, agenda-setting, providing a forum for anti-corruption discussions, and acting as a pressure group for institutional and legal reforms as well as political accountability. The researcher argues that private media outlets make significant contributions to the fight against political corruption, contrary to the popular claim that in sub-Saharan Africa, the private media cannot contribute meaningfully to combating corruption involving influential political actors. However, in China, Guan (2019) finds that results suggest that while state-owned media is controlled by the central government, social media has created a robust and widely accessible civil space for journalists and civil society to engage in anti-corruption. However, anti-corruption coverage on social media can only address corruption on a case-by-case basis and cannot effect any change or contribute to the anti-corruption system. The paper recommends that government institutions should build regulations and guidance to better guide civil society's engagement in combating corruption and that the media and journalists should have more protection and freedom to report corruption.

Recently, whistleblowing has been extensively used in the fight against corruption. It has emerged as a crucial instrument that is being increasingly employed globally to forestall and expose corrupt practices in both the public and private domains (Gholami & Salihu, 2019). Accordingly, the implementation of whistleblowing policies has been instrumental in the enhancement of governance and the establishment of a sound governmental system in several countries. This technique is being encouraged, especially in the security agencies, where citizens are asked to volunteer information if they suspect any strange things in their neighborhood. Whistleblowing is currently recognized as a crucial approach for both preventing and detecting corrupt activities worldwide (Transparency International, 2010). Whistleblowing refers to a purposeful and self-determined disclosure executed by an individual who holds membership in a specific organization or possesses information regarding illicit or illegal practices conducted by a particular organization or collective with the intention of correcting such misconduct (Gholami & Salihu, 2019). A recent investigation has discovered that Nigerians are in favor of the whistleblowing intervention; however, there appears to be insufficient awareness amongst the general public (Okafor et al., 2020). using the explanatory method and simple linear regression analysis. Maulida & Bayunitri (2021) find evidence that whistleblowing systems affect fraud prevention by

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54.3%. Onyango, G. (2021), found that non-performance of anti-corruption reforms was found to stem from the collective chastisement of whistleblowing practices in public organizations in Kenya. Therefore, to enhance whistleblowing, there is a need to insulate potential whistleblowers from legal retaliation, including cultural retaliations that come in the form of emotional and professional 'attacks'. Adetula & Amupitan (2018) conducted a survey and found that there is a relationship between fraud, forgery, corruption, and whistleblowing. They recommend that whistleblowing be strengthened as an effective tool for addressing these issues.

**A REVIEW OF THE LEGAL FRAMEWORK FOR FIGHTING CORRUPTION IN GHANA.**

The *Commission on Human Rights and Administrative Justice Act, 1993*

Date of Assent: July 6<sup>th</sup>, 1993:

Qualification for appointment as a questioner: Per the Act, someone is only qualified for appointment as a commissioner if he or she is qualified for appointment as a Justice of the Appeals Court, and for a deputy commissioner, he or she is qualified for appointment as a Justice of the High Court. Their conditions of service are equivalent to those of the justice of the appeals court in the case of the commissioner and the high court in the case of the deputy commissioner.

The functions of the Commission are:

(a) to investigate complaints of violations of fundamental rights and freedoms, injustice, corruption, abuse of power, and unfair treatment of any person by a public officer in the exercise of his official duties;

(b) to investigate complaints concerning the functioning of the Public Services Commission, the administrative organs of the state, the offices of the Regional Coordinating Council and the District Assembly, the Armed Forces, the Police Service, and the Prisons Service in so far as the complaints relate to the failure to achieve a balanced structuring of those services or fair administration in relation to those services;

(c) to investigate complaints concerning practices and actions by persons, private enterprises, and other institutions where those complaints allege violations of fundamental rights and freedoms under the Constitution;



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(d) to take appropriate action to call for the remedying, correction, and reversal of instances specified in paragraphs (a), (b), and (c) of this subsection through such means as are fair, proper, and effective, including

(i) negotiation and compromise between the parties concerned;

(ii) causing the complaint and its findings to be reported to the superior of the offending person;

(iii) bringing proceedings in a competent court for a remedy to secure the termination of the offending action or conduct, or the abandonment or alteration of the offending procedures; and

(iv) bringing proceedings to restrain the enforcement of such legislation or regulation by challenging its validity if the offending action or conduct is sought to be justified by subordinate legislation or regulation that is unreasonable or otherwise ultra vires;

(e) to investigate allegations that a public officer has contravened or has not complied with a provision of Chapter Twenty-four (Code of Conduct for Public Officers) of the Constitution;

(f) to investigate all instances of alleged or suspected corruption and the misappropriate steps, including reports to the Attorney-General and the Auditor-General, resulting from such an investigation;

(g) to educate the public as to human rights and freedoms by such means as the Commissioner may decide, including publications, lectures, and symposia; and

(h) to report annually to Parliament on the performance of its functions.

The commission also has special powers of investigation, which are provided for in the ACT.

The commission also has regional offices, which receive complaints on behalf of its head office.

*3.2 Audit Service Act, 2000 Act 584*

Date of Accent: October 10, 2000.

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The governance of the audit service is in the hands of the audit service board, which shall:

- (a) determine the structure and technical expertise required for the efficient performance of the functions of the service;
- (b) ensure that the auditing activities of the Audit Service as spelled out in this Act are carried out in accordance with best international practices;
- (c) appoint officers and other employees of the service other than the Auditor-General; and
- (d) determine the terms and conditions of service of officers and other employees of the service other than the auditor general.

**Independence and powers of the Auditor-General**

18. (1) In the performance of his functions under this Act or any other law, the Auditor-General

- (a) shall not be subject to the direction or control of any other person or authority;
- (b) may disallow any item of expenditure that is contrary to law and surcharge.
  - (i) the amount of any expenditure disallowed to the person responsible for incurring or authorizing the expenditure;
  - (ii) any sum that has not been duly brought into account or
  - (iii) the amount of any loss or deficiency incurred by any person by whose negligence or misconduct the loss or deficiency has occurred.

The Act gives the auditor general power to examine the accounts of any public corporation or government establishment, foreign exchange transactions, examination of accounts, and audit of public accounts generally. The auditor general is also empowered to disallow any expenditure and surcharge any person for unlawfully incurring expenditure.

*3.3 Economic and Organised Crime Act, 2010*

Date of Assent: 6<sup>th</sup> September, 2010.

The objects of the Office are:

- (a) prevent and detect organised crime.

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(b) to facilitate the confiscation of the proceeds of crime.

The functions of the Office are:

(a) investigate on the authority of the Attorney-General prosecute serious offences que involve:

(i) financial or economic losses to the Republic or any State entity or institution in which the State has financial interest.

(ii) money laundering.

(iii) human trafficking.

(iv) prohibited cyber activity.

(v) tax fraud, and

(vi) other serious offences;

(b) recover the proceeds of crime;

(c) monitor activities connected with the offences specified in paragraph (a) to detect correlative crimes;

(d) take reasonable measures necessary to prevent the commission of crimes specified in paragraph(a) and their correlative offences;

(e) disseminate information gathered in the course of investigation to law enforcement agencies, other appropriate public agencies and other persons the Office considers appropriate in connection with the offences specified in paragraph (a);

(f) co-operate with relevant foreign or international agencies in furtherance of this Act; and

(g) perform any other functions connected with the objects of the Office.

The Economic and Organised Crime Act gives the director general of the Institution vast powers to investigate crimes that could have financial and economic impacts on any government institution and the state of Ghana as a whole. The law also empowers it to

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collaborate with any foreign institution with regards to its investigations. With this Act the country is empowered with one of the most relevant laws in fighting fraud and economic crimes.

The Act also makes it possible for the executive director or an authorized person to request in writing to require any person whose affairs are to be investigated to assist in the investigation or answer questions in a matter relevant to an investigation. The Act also empowers the Executive Director to obtain an order from the Court to enter the premises of a suspect and to search for any document specified in the application. An authorised officer is also empowered by this Act to search a property where he suspects that a property could be tainted.

*3.4 Serious Fraud Office Act, 1993 (Act 466)*

Date of Assent: December 30<sup>th</sup>, 1993

AN ACT to establish a Serious Fraud Office as a specialised agency of Government to monitor, investigate and, on the authority of the Attorney-General, prosecute any offence involving serious financial or economic loss to the state and to make provision for connected and incidental purposes.

The functions of the Office are:

- (a) to investigate any suspected offence provided for by law which appears to the Director on reasonable grounds to involve serious financial or economic loss to the State or to any state organisation or other institution in which the State has financial interest;
- (b) to monitor such economic activities as the Director considers necessary with a view to detecting crimes likely to cause financial or economic loss to the State;
- (c) to take such other reasonable measures as the Director considers necessary to prevent the commission of crimes which may cause financial or economic loss to the State; and
- (d) to co-operate with such international agencies as the Director considers appropriate for any of the purposes under this section.

The Act also makes it possible for the Director to request for information from persons or representatives of any organisation whose affairs is being investigated to appear before the Director to answer questions relevant to the investigation. This power also includes the power to produce documents for the purpose of an investigation. The Act also gives the Director the right to freeze assets of a suspect during an investigation he may in writing

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direct the freezing of such accounts but has to apply to the high court or tribunal for confirmation of the freezing of assets and Bank Accounts.

*3.5 Office of The Special Prosecutor Act, 2017*

Date of Assent: DATE OF ASSENT: 2nd January, 2018

Objects of the Office

The object of the Office is to:

(a) investigate and prosecute specific cases of alleged or suspected corruption and corruption-related offences;

(b) recover the proceeds of corruption and corruption-related offences, and

(c) Take steps to prevent corruption.

Functions

(a) Investigate and prosecute cases of alleged or suspected corruption and corruption-related offences under the Public Procurement Act, 2003 (Act 663);

(b) investigate and prosecute allegations of corruption and corruption-related offences under the Criminal Offences Act, 1960 (Act 29) involving public officers, politically exposed persons and persons in the private sector involved in the commission of the offence;

(c) investigate and prosecute alleged or suspected corruption and corruption-related offences involving public officers, politically exposed persons and persons in the private sector involved in the commission of the offence under any other relevant law;

(d) recover and manage the proceeds of corruption;

(e) disseminate information gathered in the course of investigation to competent authorities and other persons.

The Office considers appropriate in connection with the offences specified in paragraphs (a) and (b);

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(f) co-operate and coordinate with competent authorities and other relevant local and international agencies in furtherance of this Act;

(g) receive and investigate complaints from a person on a matter that involves or may involve corruption and corruption-related offences;

(h) receive and act on referrals of investigations of alleged corruption and corruption-related offences by Parliament, the Auditor-General's Office, the Commission on Human Rights and Administrative Justice, the Economic and Social Council, Organised Crime Office and any other public body; and

(i) perform any other functions connected with the object of the Office.

(2) The Office shall within thirty days of the

(a) conclusion of the prosecution of each case; or

(b) confiscation or realization of property under this Act, and submit a written report on the outcome of the case to the Attorney-General.

(3) The Office shall, on a half yearly basis, publish the following information in at least two daily newspapers of national circulation and on the website of the Office:

(a) the list of corruption cases investigated and prosecuted by the Office; and

(b) the number of acquittals, convictions and cases pending in respect of the cases prosecuted under paragraph (a) and the value of proceeds recovered if any.

The Act further provides that in the performance of its work, the office of Special Prosecutor shall not be subject to the direction and control of anybody or person or institution, not even the president, its functions shall not preclude investigating corruption related activities of members of parliament and the office shall take authorization form the Attorney general department to initiate and conduct corruption related activities.

There is a governing board selected from various sectors of the economy who sees to the functions of the Office of Special prosecutor who will have to meet at least once every three months.

The appointment and removal of the special prosecutor is enshrined in the Act and therefore one will have to go through a detail process to get the special prosecutor removed

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from office. The Act encourages members of the public to make a complaint to the Office and a public agency can also refer a matter of corruption to the Office.

Through a piecemeal, incremental and uncoordinated systems, various law enforcement agencies have contributed towards the fight against corruption in the public sector.

## **FINDINGS**

Ghana has enough laws in the fight against corruption. These laws include The Economic and Organised Crime Act, 2010, Special Prosecutor Act 2017, (Act 959); the Commission for Human Rights and Administrative Justice Act, 1993 (Act 456); the Audit Service Act, 2000 (Act 584); the Public Procurement Act 2003 (Act 663), as amended by Act 914; and the Serious Fraud Office Act 1993 (Act 466). There seems to be enough laws in Ghana to fight the menace of corruption. Through uncoordinated efforts these laws have contributed to the fight against corruption so far.

This study found that Ghana has several laws that combat corruption. There seems to be an uncoordinated effort in the fight against corruption and its related offenses. Coordination and focus on the issue of corruption are crucial for the successful fight against corruption. Wanjala (2012) reiterates that a coordinated legal system should combat corruption.

Even though there seem to be enough laws in Ghana to prosecute corruption, a key component in the fight against corruption is an unbiased judiciary. An unbiased judiciary is a key component in the fight against corruption. An accountable government relies on a fair, impartial, and effective court. Courts help prevent corruption by interpreting the law and punishing corrupt behavior. The courts must weigh the accused's rights against the public interest. Impunity breeds corruption (Wanjala, 2012). We designed the judicial system to be apolitical, symbolizing a blindfolded justice holding two balanced scales. It preserves the rule of law and human rights (Dakolias & Thachuk, 2000).

Another finding highlights the Ghanaian practice of chiefs and other politically connected individuals pleading on behalf of potentially corrupt individuals. The system of people pleading on behalf of others is well established in Ghanaian culture, and in some cultures, there is a sub-chief in charge of pleading cases (Dwantuoa hene) on behalf of offenders. Fighting corruption in Ghana will be challenging if this practice persists.

## CONTRIBUTIONS TO KNOWLEDGE

This study has reviewed the legal framework for fighting corruption in Ghana. It has provided the foundation for research to delve deep into the legal issues facing Ghana's fight against corruption. It will be invaluable for Ghana's research into corruption. The study also made a recommendation to strengthen the judiciary in the fight against corruption. Adhering to this recommendation will instill confidence in the judiciary.

## RECOMMENDATIONS

Another key institution in a working democracy based on the rule of law is the judiciary. An independent, impartial, and effective judiciary is the cornerstone of an accountable government. In the fight against corruption, courts of law play a key complementary role by way of informed interpretation of the law and meting out punishment for corrupt conduct. In this regard, courts must carefully balance the rights of the accused against the wider public interest. Corruption thrives on impunity, and as a result, the courts should take a serious look at corrupt cases, and if the accused is guilty, the courts should not hesitate in professing a heavy custodial sentence to the culprits.

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