
**WEAK PROTOCOL THEORY: CLOSING THE GAP IN THEORETICAL
EXPLANATION OF CORRUPTION**

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ABSTRACT

The existing criminological theories have not adequately provided explanation to corruption since most of them provide person-centred explanation of corruption. The objective of the present work is therefore to propound and present the “Weak Protocol Theory” as a middle-range, socio-structural oriented theory of corruption. Using deductive and introspective methods of theory building, it was propounded that weak protocols, in convergence with available resources, create opportunities and/or motivations that make corruption possible. It has this schema: *corruption = weak rules + available resources*. The elements of weak theory include a rule structure that is: vague; weakens checks and balances; discourages broad input in decision-making; encourages public policies and resources to be determined by socioeconomic power or political influence; and is more amenable to manipulation, exploitation, and wider discretion.

Keywords: Theory, weak protocol, socio-structural explanation, middle range, corruption

INTRODUCTION

Corruption, defined as the abuse of public office, or entrusted power for private gain, whether grand or petty, is both injurious and ubiquitous both in form and sources. It is currently one of the leading threats to modern civilization and existence: it undermines democratic institutions, retards economic development and contributes to government instability. Corruption attacks the foundation of democratic institutions by distorting electoral process, perverting the rule of law, and creating bureaucratic quagmires whose only reason for existence is the soliciting of bribes (Independent Corrupt Practices, 2019). Corruption can appear in many forms like bribery, undue access to power, wealth, favour, fraud, money laundry, palm-greasing, etc. It can also occur at all levels of society: in local and national governments, in the judiciary, in large and small businesses, in the security agencies, etc. (Ear-Dupuy & Serrat, 2014; Lambsdorff, 2007; Transparency International, 2018). As one of the leading social problems in the world today, corruption is negatively affecting both developing and developed countries. In this sense, no nation in the world is completely insulated from the scourge of corruption. This is because even countries like Denmark, Finland, and New Zealand, who rank the lowest in the CPI ranking, still retain about 20% or less corruptive tendencies. For instance, countries with lower CPI scores also have a higher concentration of political power among wealthy citizens (Independent Corrupt Practices, 2019). However, statistics show that corruption is more of a problem in developing nations, especially in Africa. For instance, in the recent report on corruption perception index released by Transparency International, no African country is found within the first and second quartiles in the 2019 ranking (Independent Corrupt Practices, 2019).

The negative consequences of corruption are simply unbearable – promoting

insecurity and conflict, undermining democratic institutions, retards economic development, contributes to government instability, etc. – and these are expected to be more devastating in the recent years. This is because, as CPI (2019) reveals, there is a staggering number of countries showing little to no improvement in tackling corruption. In spite of these revealed facts about corruption, most theoretical schemas and models dedicated to explaining its nature, forms, sources, and factors have not yielded much desired results especially in Africa. For instance, the Routine Activity Theory in highlighting the issue of the convergence in time and space of perpetrators and target in causation of crime, failed to explain the lack of clear demarcation between offender and target in some corruption related offences. For example, it is not clear who the offender or victim is in the scenario where a lecturer accepts bribe (in cash or kind) from a desperate student who may need the certificate for appointment/employment.

Again, in shedding light on how people could be motivated to go into corruption by the prospect of little or no punishment inherent in the rules or processes, the Rational Choice Theory fails to explain why a certain rational individual, say primary school teacher, may be less likely to be involved in corrupt practices than another rational individual, say a university lecturer or government functionary, even though they have the same rational choice capacity. Rational Choice Theory, in this regard, did not do much in explaining the opportunity and resources component of corruption practices (Siegel, 2010). In this sense, motivation is not enough to explain the occurrence of corruption. In the same vein, Sutherland's Differential Association Theory, while opining that individuals engage in corrupt practices when such individuals are in contact with people, groups, or events that make for excess of

definitions favorable toward such criminality and are isolated from counteracting elements, fails to explain why one individual who is exposed to corruptive definitions eventually complies to them, while another, living under the same conditions, is able to avoid corruption. It does not also explain the opportunity and resources component of the schema. Again, it fails to explain some spontaneous corruption practices like in situation where law enforcement officer fails to carry out an arrest because he/she was offered bribe or sex (Sutherland, 1939).

What is more, most of the existing theories emphasize more person-centred understanding of corruption; as against the growing sentiment towards socio-structural and environmental conditions in understanding of crime in general and corruption in particular. And most pundits believe that criminological science would perform better as a science of crime when it attempts the understanding of socio-structural and socio-environmental factors of crime causation (Tench, 2019). This is the level, perhaps, at which it could lend itself more to jurisdictional comparison and prediction. Stemming from the above narrative, it appears that existing criminological theories fail to adequately provide explanations to the nature of corruption. This therefore calls for more intellectual and theoretical interventions in this regard. I am therefore propounding and presenting “the protocol theory” as a new theory to fill the identified gap.

Aim of the study

The objective of the present work is to propound and present the “Weak Protocol Theory” as an analytical framework for the theorisation of corruption. This is targeted

at closing the gap in the existing theoretical schemas on corruption.

LITERATURE REVIEW

Conceptualization of corruption

Corruption is derived from the adjective “corrupt”- meaning having or showing a willingness to act dishonestly, unscrupulously, amorally, discredibly, iniquitously, and most importantly lawlessly in return for money or other personal gain. Being a form of deviation, corruption is a sub-category of crime known as white-collar crime. The concept of white-collar crime is traceable to 1907 when one of the foremost sociologist, Edward Alsworth Ross implied the phenomenon when he coined the phrase “the criminaloid” to describe the category of individuals who hides behind his or her image as a pillar of the community and quintessence of virtue to get personal gain through any possible means (Ross, 1907). In recent times, concept of white-collar crimes covers broader categorization involving activities where people use their places of trust in business or government to perpetrate criminal activities. Such activities include petty stealing, asking for bribes or kickbacks, embezzlement, bribery, income tax evasion, credit card fraud, bankruptcy fraud, land fraud, election fraud, academic crimes, and others (Siegel, 2010). Corruption can therefore be conceptualized as a type of crime in which people in position of trust/authority dishonestly utilize such position(s) for private gain(s).

Review of relevant corruption theories

Having established the fact that sociology is main domain to study crime in general, and corruption in particular (Sutherland and Cressey, 1960), some relevant sociological cum criminological theories on corruption are therefore critiqued in order to point out their weaknesses or otherwise in explaining corruption.

Rational choice theory and corruption

Rational choice theory opines that people are influenced by their fear of the criminal penalties associated with being caught and convicted for law violations. The theory is rooted in the classical criminology of Cesare Beccaria who, being influenced by utilitarian philosophy of Jeremy Bentham, argued that punishment should be certain, swift, and severe enough to deter crime (Sutherland, 1939; Siegel, 2010). Rational choice theory, in this regard, sheds light on how people could be motivated to go into corruption by the prospect of little or no punishment inherent in the rules or process; or how people are discouraged to go into corruption for the fear of being caught. However, it fails to explain why a certain rational individual, say primary school teacher or a cleaner in an establishment, may be less likely to be involved in corrupt practices than another rational individual, say a police officer, university lecturer or government functionary, even though they seem to have the same rational choice capacity. Rational choice theory has therefore not done much to explain the opportunity and resources component of corruption practices. In this sense, motivation is not enough to explain the occurrence of corruption. What is more, RCT emphasizes more person-centred understanding of corruption; as against the growing sentiment towards socio-structural and environmental conditions in understanding of corruption. And this form of explanation ultimately lends support to crime science (Tench, 2019).

Differential association theory

Sutherland first put forth his theory in his 1939 text, "Principles of Criminology". The final version of the theory appeared in 1947. When Sutherland died in 1950, Donald Cressey, his long-time associate, continued his work. In sum, the theory holds that a person becomes a criminal when he or she perceives more favorable

than unfavorable consequences to violating the law. According to Sutherland's theory, individuals engage in corrupt practices when they are in contact with people, groups, or events that produce enough definitions favorable toward such offense and are inaccessible to counteracting forces. In this regard, the theory provides for motivational component of corruption. In this way, people are likely to be motivated to go into corruption practices by coming into contacts with referent groups, and significant others; and learning how to undermine punishment. However, differential association theory fails to explain why one individual who is exposed to corruptive definitions eventually complies to them, while another, living under the same conditions, is able to avoid corruption. It does not also explain the opportunity and resources component of the schema. Again, it fails to explain some spontaneous corruption practices like in the situation where a law enforcement officer fails to carry out the arrest because he was offered bribe or sex (Sutherland, 1939; Siegel, 2010). What is more, being part of the social learning theories, it emphasizes a more person-centred understanding of corruption.

Differential reinforcement theory and corruption

Differential reinforcement theory is another social learning oriented theory. It was firstly propounded by Ronald Akers in collaboration with Robert Burgess in 1966. It is an aspect of social learning perspective that employs both differential association concepts in conjunction with elements of psychological (Siegel, 2010). According to the theory, criminal career is sustained by being exposed to antisocial behavior models, relating with deviant mates, and lacking negative sanctions from parents or peers. In this sense, corruption is originally performed by emulating someone else's behavior; it is continued by social support. It is possible that differential reinforcements help create

criminal professions and are key influence in explaining persistent criminality. The theory highlights the role of weak social reaction, or poor policing of corruption as the key factor in developing criminal carrier; however most corruptive practices are more of spontaneous, desultory phenomenon than criminal carrier. People commit corruptive practices in the same line of legitimate duties. Again, in as much as the theory may explain crimes like drug abuse, or other organized corrupt practices by explain the motivation to go into crime, it however fails to explain the opportunistic factors that bring about the corruption in the first place. There must be opportunity first before learning and reinforcement take place. Again, being part of the social learning theories, it emphasizes a more person-centred understanding of corruption.

Neutralization theory and corruption

Neutralization theory is associated with the works of David Matza and his associate Gresham Sykes. They posit that the process of becoming an offender is a learning experience in which would-be delinquents perfect techniques that enable them to counterbalance socially acceptable values and swing back and forth between illicit and socially acceptable behavior (Sykes & Matza, 1957). Neutralization of conventional value is possible because of the phenomenon of 'subterranean value structure'. Subterranean values are morally tinged influences, like drunkenness, drug abuse, adultery, etc. that have become rooted in the culture but are widely condemned. Learning techniques of neutralization enables a person to temporarily swing in and out of criminal activities including corruption. Granted that subterranean values may exist in most countries like Nigeria, South Sudan, USA, such values are also likely to provide motivation for corruption. However, the neutralization theory fails to explain the opportunity component of corruption. It

equally emphasizes more person-centred understanding of corruption.

Control theories and corruption

Hirschi's Control Theory holds that a person's bond to society prevents him or her from going into criminal activities. According to the theory, individuals are more likely to commit crime or go into corruption when their social bonds weaken. Hirschi associates the beginning of criminality to the weakening of the bonds that bind people to society. He supposes that every individual is a potential deviant, but they are kept under check because they are afraid that illegal behavior would destroy their social bonds (Siegel, 2010). This does not explain corruption in the sense that corruption is mostly the problem of the rich, professionals, middle and working class who, though possess strong social bonds, go into corrupt practices. Again, the social bond could also contribute to criminality in a situation where people get into all manners of despicable activities to satisfy social relationships with kin, friends, and colleagues. In the same vein, it emphasizes a more person-centred understanding of corruption.

Routine activity theory and corruption

The major premise of Routine Activity Theory as propounded by Lawrence Cohen and Marcus Felson (1979) holds that the volume and distribution of predatory crimes (violent and property crimes) are closely related to the interaction of three variables: the availability of suitable targets; the absence of capable guardians; and the presence of motivated offenders. The theory places a rationally motivated offender within an environmental context and explains how these two links up and lead to crime occurrence. This approach to understanding crime was the result of an observation by Cohen and Felson that a crime rise following World War II may in fact have been resulting from a societal transformation whereby the patterns of

daily life were being fundamentally altered triggering new opportunities for crimes to be committed. Cohen and Felson opined that crime was an offshoot of the convergence in space and time of offenders and targets in the absence of a capable guardian (Brantingham and Brantingham, 1981; Cohen and Felson, 1979; Tench, 2019). Stemming from the above, the theory places high premium on environmental factors or environmental design as measures towards crime reduction. However, this appears to be unsuitable for the phenomenon of corruption. This is because the postulation was initially made to explain the phenomenon of predatory crimes (property and violent crimes). Again, some scholars still categorize corruption as victimless crime (crimes involving the willing exchange of services or commodities producing little or no harm to participants) (Sisk, 1982). It is therefore seems difficult to differentiate the concept of target and offender in corruption matters. In this sense, parties involved may be both offender and target at the same time. For instance, it is difficult identify the victim or offender in scenario where a lecturer sells a mark/grade to a desperate student in exchange for sex or money, as being witnessed in many Nigerian tertiary institutions. What is more, the variable of surveillance seems also problematic in the phenomenon of corruption. Surveillance mechanisms have been found to be accomplice or compromised in corruption issues. For example, regulatory agencies, judiciary, security officers, and others have been found to be accomplices in corruption (Iriekpen, 2020; Nnochiri, 2016; Dahiru, Abdulkadir and Baba, 2017).

Philosophical foundation underpinning 'Weak Protocol Theory'

Humans are culturally programmed: The theory is partly derived from the sociological postulation that holds that whereas animals are genetically programmed; humans are culturally

programmed (Haralambos & Holborn, 2008). This means that humans cannot do without cultural codes, especially norms (rules, laws, and morals). This is akin to the Aristotle's conclusion that any being that is not in need of society is either a god or beast.

Hobbesian state of nature: In accordance to Thomas Hobbes's thesis, man tends towards anarchy (or corruption) once there is anomie. Anomie, in this sense, means a scenario where the rules conflict or vague/imprecise). Put in another way, given that man is neither born saint nor sinner, but is rather socialized to be any of saint or sinner (Haralambos & Holborn 2008; Historical context, 2012; Ritzer, 2011; Turner, 2001).

Beccarian famous treatise on crimes and punishment: The classical school, led by Beccaria, was more interested in penology (the science of punishment); and by implication, criminal justice system (Igbo, 2007). This was his effort to reform the legal system and effectively protect accused persons against harsh and arbitrary punishments by the state. Beccaria was responding not only to the need to humane aspects of law, but also said to be of concern with the society as a whole. He therefore set forth a number of reforms in his essay (Dambazau, 2009). For instance, they advocated that punishment should be made to fit the crime in order to deter would-be criminal from going into crime since a potential offender is rational and in charge of his behavior. More so, they highlighted personal or internal factor (individual disposition) as the cause of crime- external factors like social structure, ecology, socialization, and political-economy were de-emphasized. The main principles of Beccaria and his followers are as follows:

- Criminal behaviours are rational, and most people have the potential to engage in such behavior.

- People may choose to commit a crime after weighing the costs and benefits of their actions.
- Fear of punishment is what keeps most people in check. Therefore, the severity, certainty, and celerity (speed) of punishment affect the level of crime.
- The punishment should fit the crime, not the person who committed it.
- The criminal justice system must be predictable, with laws and punishments known to the public.

Meanwhile, classical ideas declined in the nineteenth century, partly because of the rise of science and partly because its principles did not take into account differences between individuals or the way the crime was committed (George and Christopher, 2007, p. 53). However, it has led foundation for many modern theories, and “weak protocol theory” would not be an exception.

METHODS

In building the theory, the researcher combined both deductive and introspective methods, using data from open/Internet sources, especially from Ganintegrity (2020), Unsom (2020), and Ideal (2020). Deductive method of theory building starts with general assumption and ends with, or becomes a basis for understanding the specific. It is a syllogistic system of reasoning from general to specific. It therefore involves the following stages: hypothesis assertion or making a general statement; specifying the range of phenomena the theory addresses; identifying and specifying the major concepts and variables; examining other previous propositions in this regard; and arriving at some logical conclusions through analysis of the propositions. The deduction was substantiated by analyzing some statistical facts on corruption from

Ganintegrity (2020), Unsom (2020), and Ideal (2020).

On the other hand, introspection was adopted from psychology as a method of inquiry where the researcher looks at his/her own personal processes — including reactions, fears, and prejudices, especially those she/he was not proud of, in order to gain important insights into human behavior in general. In gaining the insights, I used two cases: one was on failing an examination and bribing my way through; and another was on my experience with substandard electoral system in Nigeria.

RESULTS

Main assumption of ‘Weak Protocol Theory’

The main assumption of Weak Protocol Theory is that weak protocols, in convergence with available resources, create opportunities and/or motivations that make corruption possible. It has this schema: *corruption = weak rules + available resources*. The elements of weak theory include a rule structure that: is vague; weakens checks and balances; discourages wider input in decision-making; encourages public policies and resources to be controlled by socioeconomic power or political influence; and is more amenable to manipulation, exploitation, and wider discretion. It is important to note that such opportunities and/or motivations created by the weak rule structure must coincide or converge with resources in time and space for corruption to occur. Therefore, the weaker a given rule is; more opportunity and motivation it creates for corruption. It is therefore within the purview of the ‘weak protocol theory’ that a country’s corruption rating per time seems to correlate positively with the strength of its rules structure. In this sense, stronger a country’s rules, lesser its corruption outlooks; and vice versa. The meaning of the above is: weak rule creates

opportunities and motivations necessary for corruption to occur. There is likelihood that once opportunity and motivation meet with available resources, corruption results.

Opportunity: It equals a situation where the rule allows little or no checks and balances.

Motivation: It equals a situation where the rule rewards deviance/anti-socials more than it punishes it.

Resources equal money, property, weapon, power, authority, influence, loyalty, sex, etc.

In sum, the theory postulates that the convergence of resources and weak rule/protocol tends to create opportunities and motivations for people in positions of trust/authority both in government, civil society and private business, to dishonestly utilize such positions for private gain(s). In this sense, whenever weak rule is allowed in a given social setting – both micro and macro – such a rule tends to create opportunity and motivation for selfish ends/gains (i.e. corruption). This will eventually lead to a “vicious circle of corruption” – where corruption begets more corruption by weakening the socioeconomic system of such a society. This will create further opportunities and motivations for more intractable corruption. Therefore whenever and wherever such frailty in rule abounds, corruption thrives, and vice versa. This is real both at macro and micro levels. This is to say that corruption is structural.

The scope: the range of phenomena covered by ‘Weak Protocol Theory’

‘Weak protocol theory of corruption’ is expected to cover white collar crimes in general, and corruption in particular. It is expected to also explain these phenomena world-wide, and more especially in Africa.

Introspective analysis of “Weak Protocol Theory”

Once again, introspection involves a researcher looking into his own personal dealings, especially those he was not proud of in order to use them to gain important insights into human behavior in general. For our purpose, two of such introspective accounts would suffice in order to demonstrate the association between weak rule and corruption.

Introspective case 1:

During my undergraduate days in the university, I was faced with a very dire and frustrating situation in my 3rd year: I failed a computer programme organized by AfriHub as one of the prerequisite for graduation. The most painful aspect of it was that I prepared very well for the exam – though this was about the first time of taking computer-based exams. With the assumption that I prepared very well, I was assisting my colleagues in the exam hall. However, the system shut me out and indicated that I failed. Being the first time I ever failed a course throughout my studentship, I was so devastated until one of my colleagues took me to one of the organizers of the programme who was already in waiting for “customers”; and I was made to pay N2000 to wriggle out of the mess.

Though I was happy when the result turned out to be “pass”, the situation demonstrated how weak protocols/rules create opportunities and motivations for those in position of authority or trust to maximize their personal gains. In juxtaposing the above corruptive scenario with the elements of ‘weak protocol theory’, it can be deduced that the rule, in this regard:

Weakens checks and balances: In this regard, an individual, a system administrator, could just access the database without serious monitoring and control.

It discourages broad input in decision-making: In this regard, a single individual can unilaterally take a decision to favour his or her interest; as against the objective aim of the system.

It encourages public policies and resources to be controlled by socioeconomic power or political factor (to go for the highest bidder): In this regard, it allows an individual with economic power to have his and upgraded his exam scores.

It is more amenable to manipulation, exploitation, and wider discretion: The system was able to be manipulated to suit the unmerited individuals.

Introspective case 2:

Another instance was during the recruitment of collation officers during the 2019 general election in Nigeria. The Independent National Electoral Commission (INEC) requested a list of academic staff from the rank of Lecturer II and above from the universities to be trained as collation officers. In my own university, the list was compromised by the staff that prepared it. This resulted in INEC either dropping some names or publishing them twice. During the training, those who could not make the primary list were asked to still join the training to fill up the shortfalls. Before one could realize it, the training hall was filled to the capacity – various interest groups: students, politicians, non-teaching staff and others – filled the hall. The hall literally turned into market place, and the INEC staff started collecting money from people to shortlist their names. Needless to say, it took high-powered contact to get my name shortlisted. Meanwhile, this frail process recruited all manner of human beings as collation officers. During the election proper, the so called ‘impeccable INEC ad-hoc staff’ were hustling for the contacts of politicians in a desperate and irritating manner. The politicians cashed in on these flaws to perpetrate all manner of despicable acts. In fact, one of the

collation officers (who was not even a staff of our university!) who paid money to get her name published twice, just left the place of primary assignment immediately she collected the heavy inducement from the politicians. For her, she had to be at the other collation center to also collect her own share of the inducement.

The above narrative presents how weak rules/protocols fuel corruption: First, the recruitment rule/protocol *discourages or lacks checks and balances*. Otherwise, INEC could have strengthened the recruitment process/rule by accessing the list of academic staff from budget office, Abuja, thereby encouraging checks and balance. Again, *the rule was vague/imprecise*; otherwise, INEC could also have directed each staff to be identified by his/her head of department/unit, as well as their staff identity cards. Meanwhile, in all these processes, no one asked us of our staff identity cards – even at collation centers.

What is more, given that *the rule lacks precision, and was more amenable to manipulation, exploitation, and wider discretion*, gave some of the INEC officials (involved in the training) opportunities to enrich themselves through bribes and gifts. In addition, given that weak protocol creates opportunities and motivation for corruption, collation officers (being products of flawed recruitment exercise) abandoned their official duties in search of “inducements” from the politicians. Of course, there was no inhibition to do otherwise – the weak rule gave rise to a setting of systemic corruption. In this sense, those (security men, INEC officials, election observers, pressmen, etc.) who were supposed to ensure surveillance, and provide checks and balances in the system, were all compromised.

Since the rule *encourages public policies and resources to be controlled by*

socioeconomic power or political factor (policies and resources for the highest bidder), politicians utilized the opportunities provided by the weak protocol to perpetrate all sorts of unprintable corruption- including vote buying, intimidation of opposition, inflation of election figure, etc.

Deductive method and weak protocol theory

Once more, deductive method of theory building starts with general assumption and ends with, or becomes a basis for understanding the specific. This was analysed with reference to the 2019 Corruption Perception Index (CPI). In this sense, New Zealand (87/100) and Somalia (9/100) were selected as the least and most corrupt countries in the world respectively. What is more, the analysis was done using leadership recruitment/electoral process as a parameter. The justification for this was based on the fact that 'how weak or strong, or how the will of the majority or otherwise' an electoral system accommodates determines other elements of the polity. In this sense, most pundits share the sentiment that electoral process has a great contribution to the level of corruption in a given country. For instance, CPI (2019) reports a correlation among politics, money and corruption. In this regard, unguarded flows of big money in politics make public policy vulnerable to undue control. Again, countries with more

stringent control of campaign finance regulations appear to have lower incidence of corruption than countries with weaker enforcement of campaign finance regulations. In the same way, when government functionaries listen only highly influential individuals and groups, they often do so at the peril of the citizens they serve. In this respect, countries with wider and more objective consultation procedures score an average of 61% on the CPI. On the other way round, where there was little to no discussion, the average score was just 32%. In the same token, countries with lower CPI scores also had a higher deposit of political power among opulent citizens. Having identified two countries (New Zealand and Somalia) as the least and most corrupt countries in the world respectively (see CPI, 2019), the analysis proceeded to retrieving data from open/Internet sources in line with the established 4-point weighted indexes (see Appendix) in order to substantiate or de-substantiate the postulation that the strength of a country's electoral protocols/procedures correlate with its level of corruption (i.e., stronger protocol = lesser corruption) in line with the tenet of 'Weak Protocol Theory of corruption'. The indexes were developed with reference to International Partners Joint Press Statement on Elections (2020); and International Institute for Democracy and Electoral Assistance (2002).

Table 1: *Descriptive statistics for Country's strength of Electoral Protocol*

S/N	Strength of Electoral Process	New Zealand	Somalia
1	Enables Broad participation	3	1
2	Stronger enforcement of campaign finance regulations	2	1
3	Free and Fair Election	3	0
4	Enforceability of the electoral laws	3	0
5	Guarantees the choice of electorates	3	1
6	Discourages vote buying	3	1
7	Universal and equal suffrage	3	1
8	Accurate and central voter registers	3	1
9	Regular and timely updating of voter registers	3	1
10	Safeguards against electoral violence	3	1
11	Adequate identification of voters prior to receiving	3	1
12	Safeguards against fraudulent or double voting	3	1
13	Neutrality of the security agents	3	1
14	Guarantees adequate/electronic tabulating/collation of votes	3	1
Total (%)		98/100	29/100

Note: 3 = very strong protocol 0 = very weak electoral protocol; 100% = very strong electoral protocol

Sources: <https://www.ganintegrity.com/portal/country-profiles;>

<https://unsom.unmissions.org/international-partners-joint-press-statement-elections;>and

[http://www.idea.int/publications/pub_electoral_main.html.](http://www.idea.int/publications/pub_electoral_main.html)

Table 1 shows that New Zealand had stronger electoral protocol (98%) compared with Somalia that had weaker electoral protocol (29%). Based on the principle of deductive reasoning/method, we conclude that Somalia is the most corrupt country in the world because its rule structure is very weak. From the lens of WPT, the Somalian rule structure is considered to: be vague/imprecise, weakens checks and balances, discourages wider contribution in decision-making, encourages public policies and resources to be informed by socioeconomic power or political factor, and more amenable to manipulation, exploitation, and wider discretion.

DISCUSSION

Despite the increasing spate of corruption among countries of the world, there is still

gap in the theoretical explanation of forms, sources and nature of corruption. Specifically, most of the existing theories emphasize more person-centred understanding of corruption; as against the growing sentiment towards socio-structural and environmental conditions in understanding of crime in general and corruption in particular. Against this backdrop, the objective of the present work is to propound and present the “Weak Protocol Theory” as a new, middle-range theory of corruption. This was done using deductive and introspective methods.

The major assumption of Weak Protocol Theory holds that weak protocols, in convergence with available resources, create opportunities and/or motivations that make corruption possible. It has this schema: *corruption = weak rules +*

available resources. The elements of weak theory include a rule structure that is: vague; weakens checks and balances; discourages broad input in decision-making; encourages public policies and resources to be determined by socioeconomic power or political influence; and is more amenable to manipulation, exploitation, and wider discretion.

The above assumption was substantiated with introspective method of theory building. On this, it was demonstrated that the structure of the rule in *Case 1* appears to correspond with the elements of 'weak protocol theory'. It was therefore deduced that the rule, in this regard: *Weakens checks and balances:* In this regard, an individual, a system administrator, could just access the database without serious monitoring and control. *It discourages broad input in decision-making:* In this regard, a single individual can unilaterally take a decision to favour his or her interest; as against the objective aim of the system. *It encourages public policies and resources to be determined by socioeconomic power or political influence (to go for the highest bidder):* In this regard, it allows an individual with economic power to have his and upgraded his exam scores. *It is more amenable to manipulation, exploitation, and wider discretion:* The system was able to be manipulated to suit the unmerited individuals.

This was equally demonstrated by analyzing "the case II". The case demonstrated how weak rules/protocols fuel corruption: First, the recruitment rule/protocol *discourages or lacks checks and balances.* Otherwise, INEC could have strengthened the recruitment process/rule by accessing the list of academic staff from budget office, Abuja, thereby encouraging checks and balance. Again, *the rule was vague/imprecise;* otherwise, INEC could also have directed

each staff to be identified by his/her head of department/unit, as well as their staff identity cards. Meanwhile, in all these processes, no one asked us of our staff identity cards- even at collation centers. What is more, given that *the rule lacks precision, and was more amenable to manipulation, exploitation, and wider discretion,* gave some of the INEC officials (involved in the training) opportunities to enrich themselves through bribes and gifts. What is more, given that weak protocol creates opportunities and motivation for corruption, collation officers (being products of flawed recruitment exercise) abandoned their official duties in search of "inducements" from the politicians. Of course, there was no inhibition to do otherwise – the weak rule gave rise to a setting of systemic corruption. In this sense, those (security men, INEC officials, election observers, pressmen, etc.) who were supposed to ensure surveillance, and provide checks and balances in the system, were all compromised. Since the rule *encourages public policies and resources to be determined by socioeconomic power or political influence (policies and resources for the highest bidder),* politicians utilized the opportunities provided by the weak protocol to perpetrate all sorts of unprintable corruption- including vote buying, intimidation of opposition, inflation of election figure, etc.

The assumption was equally supported by the analysis of statistical records. The analysis demonstrated that that New Zealand had stronger electoral protocol (98%) compared with Somalia that had weaker electoral protocol (29%). Based on the principle of deductive reasoning/method, we conclude that Somalia is the most corrupt country in the world because its rule structure is very weak. From the lens of WPT, the Somalian rule structure is considered to: be vague/imprecise, weakens checks and balances, discourages broad input in

decision-making, encourages public policies and resources to be determined by socioeconomic power or political influence, and more amenable to manipulation, exploitation, and wider discretion.

This was proved by the low scores of Somalia on the following indices: enabling broad participation; stronger enforcement of campaign finance regulations; free and fair election; enforceability of the electoral laws; guaranteeing the choice of electorates; discouraging vote buying; universal and equal suffrage; accurate and central voter registers; regular and timely updating of voter registers; safeguarding against electoral violence; adequate identification of voters prior to receiving; safeguarding against fraudulent or double voting; neutrality of the security agents; and guaranteeing adequate/electronic tabulating/collation of votes.

The above findings have therefore proved the main postulate of the “Weak Protocol Theory” which holds that the convergence of resources and weak rules tends to create opportunities and motivations for people in positions of trust/authority to dishonestly utilize such positions for private gain(s) (*corruption = weak rules + available resources*).

In all the analysis, the salient variables are “the strength or weakness of the rule structure”, and the resources at stake. In this regard, it won't be necessary for any one in position of trust to manipulate any rule where there are no resources (sex, power, money, etc) at stake. In the same way, no one may be able to manipulate any strong rule structure that is precise, strengthens checks and balances, encourages wider input in decision-making, discourages public policies and resources to be informed by socioeconomic power or political influence, and not more amenable to

manipulation, exploitation, and wider discretion.

The result also corresponds with the 2019 Corruption Perception Index, and Risk & Compliance Portal (2020). The 2019 Corruption Perception Index Report holds that New Zealand and Somalia were the least and most corrupt countries in the world respectively. The Risk & Compliance Portal (2020) equally reported that risk of corruption for businesses in New Zealand is very negligible. In accordance with most ranking institutions in the world, New Zealand has always found itself among the least corrupt countries in the world. Transparent institutions and painstaking law enforcement efficiently reduce corruption. The regulatory system promotes easy to do business, and acquiring licenses or public services can take just a day. All forms of bribery in the private and public sector are banned by the Crimes Act and the Secret Commissions Act. Punishment ranges between fines of NZD 2,000 and 14 years of imprisonment. Civil servants may not ask for or even accept gifts as stipulated by the State Services Commission Code of Conduct. Lobbying for payments are considered illegal, save for a few foreign public officials. According to US Department of State (2015), there is a very low risk of encountering corruption when acquiring public services in New Zealand. The New Zealand Government enforces a strong code of conduct for all state service employees. New Zealand's regulatory system is transparent, and foreign investors can make commercial transactions with ease (US Department of State, 2015). The World Economic Forum (2016) reported that starting a business is nowhere as easy as in New Zealand: It takes on average half a day, requires only one procedure and costs less than in most OECD countries. New Zealand has a comprehensive legal framework to combat corruption and enforces strict penalties for corrupt practices (US Department of State,

2015). Two statutes criminalize all forms of bribery – active and passive bribery: The Crimes Act (CA) in the public sector, and the Secret Commissions Act (SCA) in the private sector (New Zealand Ministry of Justice, 2016).

However, the same cannot be said about Somalia and Nigeria that have been found to operate very weak protocols. For instance, it was reported that Somalia is among the world's most corrupt countries. Insecurity, another index of weak protocol, has been a serious issue, and the subsisting sociopolitical disorder significantly hampers business. Corrupt public officials accommodate illicit activities in exchange for bribes. Dysfunctional institutions foster a system of lawlessness, and the nonexistence of any form of regulatory system inhibits hopes of economic competitiveness (Risk and Compliance, 2020). Business is on the basis of patronage networks, and strict monopolies control the market. Although Somalia's Provisional Constitution outlaws many forms of corruption, such is hardly implemented. The ruling class is always enmeshed in allegations of misappropriation of public funds from the already inadequate Somalian resources. Finally, bribery is widespread in all sectors (including the electoral process), and procurement contracts frequently involve corruption. Somalia's state institutions recorded a total collapse in 1991, and all efforts towards rebuilding the country's public administrations since then have been very mild due to ongoing crisis and widespread corruption (Bertelsmann Foundation, 2016).

There little or no legal or institutional strategies moderating the market in Somalia, thus market competition is almost nonexistent and the economy is regulated by patronage networks with close ties to the ruling class (Bertelsmann Foundation, 2016). The country's legal framework relies on the Provisional

Constitution, which criminalizes abuse of office, bribery of national and foreign officials, embezzlement and trading in influence. However, the government does not implement anti-corruption laws effectively, and officials engage in corruption with impunity (US Department of State, 2015). Governance in Somalia is, to a greater dimension, based on informal system and institutions, which are in turn, based on sponsorship and clientelistic systems helping personal interests and relationships (Bertelsmann Foundation, 2016). International funding has again solidified the current system of government, and senior staff are often involved in allegations of corruption and misappropriation of foreign funds (Bertelsmann Foundation, 2016). Both appointed and elected officeholders are not subjected to financial asset declaration laws (US Department of State, 2015).

In Nigerian case, the Risk & Compliance Portal (2021) reported that corruption is a significant obstacle to business in Nigeria: companies are very likely to encounter bribery and other corrupt practices. Corruption risks are pervasive throughout all institutions but the oil sector is particularly corrupt. While accepting or giving gifts as well as facilitation payments are illegal in principle; in practice, gifts, bribery and facilitation payments are the norm – just as the prosecution of anti-corruption laws in Nigeria remains very frail. For instance, companies are at very high risk of corruption when interacting with Nigeria's judiciary; it is marred with a high degree of corruption and political intrusion (Freedom House, 2016). Reports of bribes to thwart justice are rampant (World Economic Forum, 2015-2016). Though the Nigeria's constitution makes room for an independent judiciary, other arms of government always frustrate it (BTI 2016). Almost 50% of Nigerians see the judicial system as corrupt (Global Corruption Barometer, 2015). The judiciary is marred

with insufficient staff, poor funding, bureaucratic lethargy, and corruption. Judges are disposed to bribery, and courts cannot be trusted on for objective judgments. Judges and judiciary staff are poorly salaried and courts still run undigitized system, which fosters corruption (Investment Climate Statement, 2016). Businesses are also susceptible to high risk of corruption in their dealings with the police. More than 95% of Nigerians perceive the police to be corrupt – constituting the most corrupt agency in Nigeria. The police department is perceived as a strong obstacle to business in Nigeria. They are also very undependable in enforcing the law. More than 50% of businesses fund their own security in Nigeria. Police personnel have not stopped to police with impunity (The Risk & Compliance Portal, 2021).

Conclusion

The finding of the study lends credence to the main postulation of ‘Weak Protocol Theory’ that holds that weak rule structure, in convergence with available resources, creates opportunities and/or motivations that make corruption possible. This has therefore filled the theoretical gaps in criminological study of corruption. In this regards, WPT has filled the gap created by Rational Choice Theory, which fails to explain the opportunity and resources component of corruption practices. In this sense, motivation is not enough to explain the occurrence of corruption. WPT has equally provided socio-structural and environmental explanation of corruption, which lends support to crime science (Tench, 2019). This is against the backdrop of person-centred understanding of corruption; as provided by RCT.

Again, WPT has been able to fill the gap created by Differentia Association Theory (DAT) by providing for opportunity and resource components of corruption practice. Though the differential association theory provides for

motivational component of corruption, but could not explain why one individual who is exposed to corruptive definitions finally complies to them, while another, living under the same conditions, is able to avoid corruption. DAT equally fails to explain some spontaneous corruption practices like in situation where law enforcement officer fails to carry out an arrest because he was offered bribe or sex (Sutherland, 1939; Siegel, 2010).

In the same token, WPT has provided explanation for the spontaneous and desultory components of white collar crimes; as against the emphasis on planned, organizational and carrier components by differential reinforcement theory. People commit corruptive practices in the same line of legitimate duties. Though DRT attempted to explain crimes like drug abuse, or other organized corrupt practice, it however fails to explain the opportunistic factors that bring about the corruption in the first place. There must be opportunity first before learning and reinforcement take place. Again, being part of the social learning theories like neutralization theory, it emphasizes more person-centred understanding of corruption; as against the socio-structural explanation.

Further, WPT has filled the gap created by control theory which fails to explain corruption which is mostly the problem of the rich, professionals, middle and working class whose social bonds are very strong yet go into corrupt practices. Again, the social bond could also contribute to criminality in a situation where people get into all manners of despicable activities to satisfy social relationships with kins, friends, and colleagues. Finally, WPT filled the gap created by RAT that is unsuitable for the phenomenon of corruption. This is because RAT was initially propounded to explain the phenomenon of predatory crimes (property and violent crimes). Again, some scholars

still categorize corruption as victimless crime (crimes involving the willing exchange of services or commodities producing little or no harm to participants) (Sisk, 1982). It is therefore seems difficult to differentiate the concept of target and offender in corruption matters. In this sense, parties involved may be both offender and target at the same time. For instance, it is difficult to identify the victim or offender in scenario where a lecturer sells a mark/grade to a desperate student in exchange for sex or money, as being witnessed in many Nigerian tertiary institutions. What is more, the variable of surveillance seems also problematic in the phenomenon of corruption. Surveillance mechanisms have been found to be accomplice or compromised in corruption issues. For example, regulatory agencies, judiciary, security officers, and others have been found to be accomplices in corruption occurrences in such countries like Nigeria (Iriekpen, 2020; Nnochiri, 2016; Dahiru, Abdulkadir & Baba, 2017).

In sum, while the existing theories on corruption emphasized the role of personality and environmental factors in corruption causation, weak protocol theory is emphasizing the role of socio-structural factors. By accentuating the role of law/rule/procedure/protocols, the theory has therefore closed the existing gap on the socio-environmental explanation of corruption. This therefore makes criminological science more amenable to prediction, control, and comparison.

Future Direction

Future direction of the current intervention would focus on further testing/substantiation of the theory using empirical data. Comparative analysis of institutions, country, government and non-government establishments using the theory would be also apt.

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