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Research Paper

Governance, Ethics and Public Service Delivery: The Ramifications Of Corruption

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Abstract

Since the advent of democracy in 1994, there has been a myriad of incidents of corruption involving public servants in South Africa. Corruption is now recognized as one of the South African government's greatest challenges, with numerous consequences for public service delivery in that the resources that are meant to assist the poor are diverted to benefit a few corrupt officials. Corruption undermines democracy and social justice, thus deepening poverty, increasing organized crime and stunting efforts to stimulate human security. The incidents of corruption characterized by colossal theft, embezzlements and rampant bribery are the basis of knowledge around the ability of the government to deal effectively with dishonesty. The purpose of this paper is to illustrate the repercussions of corrupt practices in the South African public sector and to recognize the critical need for ethical control to promote good governance. The paper will use a literature review to argue and demonstrate that despite the devotion of the government to combat unethical conduct of public servants by formulating various pieces of legislation and policies as an attempt to address the problem of unethical behavior, the tribulations of corruption and problems of immoral conduct by public servants continue to escalate, thus, perpetuating poor provision of public service. The paper concludes that continued unethical practices by public servants cannot go unpunished; ethics must be enforced to enhance public service delivery.

Keywords: *Governance; Public Service Delivery; Corruption; Ethics*

INTRODUCTION

Corruption is a universal problem that undermines growth and development by diverting resources away from development programmes. In public service, it affects the entire country; it causes problems for individuals, for groups of people, for communities and for the country as a whole (Munzhedzi, 2016). Public services in South Africa are characterised by widespread allegations of unethical conduct, and it has generated rampant concern among politicians and public officials and consequently, there is a search for remedies (Manyaka & Sebola, 2013; Munzhedzi, 2016). The arguments on the unethical and corrupt manner in which public servants conduct themselves have captured the attention of South Africans who are devoted to promoting good governance in the public sector.

Corruption undermines democracy and social justice, thereby deepening poverty, fuelling organised misconduct and stunting efforts to promote human security by the government (Choi, 2007; Mlambo, 2019). The media in democratic South Africa publish almost daily new instances of the abuse of entrusted power for private benefit. These abuses range from bribes involving political leaders, corporations and wealthy private individuals (Rapanyane, 2021). Corruption undermines the delivery of basic services in housing, education and policing. It is a system of influence peddling that has its roots in the way that the security forces, civil service and businesses operated under apartheid (Faull, 2007; Mudau & Madzivhandila, 2022). Without a doubt, corruption impacts service delivery, and the impact is very real and damaging.

Corrupt activities are not only limited to the actions and attitudes of public servants and politicians. Rather, the problem is widespread, and it is acknowledged that corruption in the public sector was adopted from the past apartheid (Mafunisa, 2007; Mlambo, 2019). Nonetheless, the

problems and challenges in the public sector cannot be ignored by the government. South African government committed itself to promoting democratic values and principles as enshrined in Section 195 of the Constitution of the Republic of South Africa 1996, which aims at promoting effective and efficient service delivery and promoting good governance (Rapanyane, 2021). Therefore, all employees and professionals in the public sector are required to behave in an ethical and accountable manner in order to perform their duties meticulously (Manyaka & Sebola, 2013; Theletsane, 2014; Mudau & Madzivhandila, 2022).

Post 1994, the government of the ANC brought with them a focus on both policy formulation and the creation of institutions in an attempt to stem corruption. However, the anti-corruption conferences in the late 1990s argued that the policies were failing due to poor implementation (Mudau & Madzivhandila, 2022). Building on these criticisms, the state has taken steps to counter the weaknesses in the implementation of anti-corruption policy, particularly with regard to the public sector (Sebola et al., 2014). Despite these measures, key pieces of anti-corruption legislation, such as the Prevention and Combating of Corrupt Activities Act, the Protection of Access to Information Act and the Protected Disclosures Act, remain poorly applied in many instances (Dorasamy & Fagbadebo, 2021). Therefore, the challenge remains to move the word from the page to action in the workplace. The primary aim of this paper is to highlight the consequences of corrupt activities within the South African public sector and acknowledge the essential requirement for ethical oversight to enhance the principles of effective governance.

RESEARCH METHOD

This methodology chapter explains the approach used in the research to construct and demonstrate arguments related to government efforts to address unethical behavior of civil servants through the formulation of various laws and policies. This research uses a literature review as a method to evaluate the development of the problem of corruption and unethical behavior in the public sector and its impact on poor public service delivery.

FINDINGS AND DISCUSSION
Conceptualisation of Corruption

Corruption appears in permutations and in degrees of intensity, varying from the occasional acceptance of bribes to systematic dishonesty where bribery is the accepted way of doing business and large-scale sucking of a country's resources (Mudau & Madzivhandila, 2022; Thusi & Chauke, 2023). The socio-economic conditions, the political-institutional infrastructure, cultural heritage and other factors influence the way in which corruption is perceived and addressed (Dorasamy & Fagbadebo, 2021). Whilst corruption seems easily identifiable, the varying perspectives make it particularly difficult to define corruption and develop appropriate remedies. The Corruption Act (94 of 1992) defined corruption as the "abuse of public power for illegitimate or illegal gain or profit". According to the definition contained in this Act, there are four criteria which have to be met: There must be an offer and/or receipt of a benefit; the benefit must not be legally due; it must be for a person holding office; and lastly, the purpose for which the benefit is given and/or received, must be to influence a person in the exercise of his/her power to do something or not to do something (Girth, 2014; Dorasamy & Fagbadebo, 2021).

In an organisational context, corruption is defined as it is generally accepted that for any act to be corrupt, it must involve abuse of entrusted power for personal gain, entrusted power being something police members have plenty of (Asthana, 2012; Peté, 2021). Nye (1970) defined corruption as "behaviour which deviates from the formal duties of a public role because of private pecuniary or status gains, or violates rules against the exercise of certain types of private influence". This includes such behaviour as bribery, the use of a reward to distort the judgement of a person in

a position of trust; nepotism, delivery of patronage by reasons of ascriptive relationship rather than merit; and misappropriation, illegal misuse of public resources for private use (Peté, 2021; Forde, 2022). Although there are multiple definitions of corruption from various authors or scholars, most illustrate that corruption is generally accepted as the abuse of power, misconduct and criminal acts by public servants for their own benefit. In South Africa, the National Anti-Corruption Forum, at its 1999 conference, defined corruption as any conduct or behaviour in relation to persons entrusted with responsibilities in public office which is aimed at obtaining undue gratification of any kind for themselves or for others. This definition seems more inclusive and encompasses the various forms and intentions of corruption that Nye (1970), in his definition, is silent about.

Forms of Corruption

The OECD, UN Convention, and the National Anti-Corruption Summit agreed on the following as various forms of corruption.

Bribery: involves the promise, offering or giving of a benefit that improperly affects or intends to affect the actions or decisions of a public official. This benefit may accrue to the public official, another person or entity. A variation of this manifestation occurs when a political party or government is offered, promised or given a benefit that improperly affects the actions or decisions of the political party or government.

Fraud: This involves actions or behaviour by a public official, other person or entity that fool others into providing a benefit that would not normally accrue to the public official, other persons or entity.

Embezzlement: involves theft of resources by persons entrusted with the authority and control of such resources.

Extortion: involves coercing a person or entity to provide a benefit to a public official, another person or entity in exchange for acting (or failing to act) in a particular manner.

Abuse of power: involves a public official using his/her vested authority to improperly benefit another public official, person or entity or (using the vested authority) to improperly discriminate against another person, official or entity.

*Conflict of interest***:** involves a public official acting or failing to act on a matter where the public official has an interest or another person or entity that stands in a relationship with the public official, i.e. a public official considers tenders for a contract and awards the tender to a company of which his/her partner is the director.

Favouritism: involves the provision of services or resources according to personal affiliations of a public official. An example would be a Mayor ensuring that only persons from his/her political organisation are successful in tenders or in getting employed.

Nepotism: involves a public official ensuring that family members are appointed to public service positions or that family members are awarded contracts.

Legislations on Corruption

The South African Constitution, 1996 (Act 108 of 1996)

The Constitution of 1996 (Act 108 of 1996) provides an obligatory mechanism for South African national public servants to address the scourge of corruption. This is reflective of an overall commitment to greater openness and transparency in government as opposed to the secretive and unresponsive culture that characterised public administration during the apartheid regime. Section 195 (1) of Chapter 10 of the Constitution sets out the basic values and principles governing public administration. These include accountable public administration and the promotion of a high standard of professional ethics. The relevance of this section of the constitution is underpinned by

the fact that the fight against corruption has become of such a magnitude that it requires a different approach. The constitution also encourages citizen participation in issues of governance. Active citizen participation is an essential ingredient in any democratic dispensation because it ensures that the government of the country works as per agreement and that public officials serve the general welfare of society rather than pursuing their own interests.

The White Paper on Transformation of the Public Service, 1997 (Batho Pele) (WPTPS)

The White Paper on Transformation of the Public Service, also known as the Batho Pele Policy, was introduced in 1997 to provide a policy framework and practical implementation strategies for the transformation of public service delivery. The policy strongly signalled the government's intention to adopt a citizen-oriented approach to service delivery, informed by the eight principles of consultation, service standards, access, courtesy, information, openness and transparency, redress and value for money. In line with constitutional principles, the WPTPS provided a framework that enabled the government to develop strategies promoting good public administration. Chapter 11 of the WPTPS required the government, inter alia, to improve practices that promoted good governance (Constitution South Africa Republic, 1996).

Prevention and Combating of Corrupt Activities Act, 12 of 2004

Prevention and Combating of Corrupt Activities Act, 12 of 2004 outlines a framework for the strengthening of measures to prevent and combat corruption; provides investigative measures in respect of corruption; places certain restrictions on persons and departments convicted of corrupt activities relating to tenders and contracts; and provides for extraterritorial jurisdiction in respect of the offence of corruption and offences relating to corrupt activities. Departments are required to periodically conduct procurement audits of selected projects to identify weaknesses and malpractices in procurement processes. The implementation and enforcement of this Act has, however, been ineffective, as corruption still persists in the South African public sector.

The Criminalization of Corruption

Corruption is a statutory offence in South Africa, and bribery will once again be regarded as a common law offence. The Prevention of Corruption Bill creates new offences within the broad category of corruption. It also reinstates the common law offence of bribery. The Bill criminalises corrupt actions undertaken outside South Africa by any South African citizen, anyone domiciled in South Africa, or by any foreigner.

The Impact and Costs of Corruption in South Africa

Concerns about corruption in South Africa have intensified in recent years. There have been calls for better public administration, including calls for greater efficiency, transparency, and integrity in public institutions (Mudau & Madzivhandila, 2022). Corruption remains a thorny issue at the local government level; experts warn that it may not be the only challenge, making it difficult for municipalities to deliver proper services (Dorasamy & Fagbadebo, 2021). Currently, there is a propagation of informal markets in South Africa, probably due to the high volumes of low-skilled labour, which makes individuals more prone to be involved in some form of corruption owing to their vulnerable position (Sebola et al., 2014). Poor administration that verges on corruption seems to occur within all spheres of services where vulnerability is not necessarily the source (Peté, 2021).

Corruption undermines human rights, such as the right to equality and freedom of trade and occupation (Göçen, 2021). When people pay bribes to get things that they are not entitled to, like old age pensions or other forms of social grants, there is less money available for people who really

need it (Sebola et al, 2014). It increases the cost of public services, resulting in less money for housing, health care, education or other basic services; hence, people will resort to mass protest actions, and negatively impact service delivery. Service delivery is, in one way or another, compromised due to the personal interests of the municipal officials that emanate as and when essential services should be rendered to members of the public. In view of all this, Thusi and Chakue (2023) stated corruption impacts service delivery in the sense that clientelism, patronage and bribery compromise the rights of citizens against equal access to municipal services while promoting inequalities that limit constituents' access to basic services. Consequently, the poor and voiceless residents end up being affected the most in the process. Sibug (2023) added that corruption could lead to a decline in service delivery performance; as such, this can prevent citizens from accessing basic services. Therefore, this causes inequality in the communities as the privileged ones can afford to pay for private services. Furthermore, Thusi and Chakue (2023) stated that corruption is especially harmful in a developing country such as South Africa due to the fact that this country tends to have fewer resources and needs to use these scarce resources in the most effective way as well as a lack of confidence in the government.

Macro-Fiscal

This includes lost revenues from tax and customs levies, licensing fees, traffic fines, etc. and excessively high expenditure as a result of corruption loading and fronting on state contracts (Dorasamy & Fagbadebo, 2021). In extreme manifestation, such as with State Capture, the lack of competition between bidders raises the cost dramatically.

Reduction in Productive Investment and Growth

The costs of corruption are particularly high for countries in great need of inflows of productive foreign capital (Göçen, 2021). Widespread corruption provides a poor environment that does not attract foreign investment, and those investors are likely to make long-term contributions to development (Mudau & Madzivhandila, 2022). Corruption, however, attracts those investors seeking to make quick profits through dubious ventures. Abuse of regulatory powers and miss-procurement imposes further costs.

Costs to the Public and the Poor, in Particular

Diversion of resources from their intended purposes distorts the formulation of public policy and the provision of services (Peté, 2021). This is a result of bribe extraction for delivery of services, poor quality of services and poor access to services. Petty corruption and payment of bribes have a particular impact on the poor (Göçen, 2021). Public programs such as access to land, health services and legal system are negated if bribe paying determines the allocation of these priorities and services. It has the effect of benefiting the few at the expense of the many and reinforces existing social and economic inequalities. This, in turn, undermines the credibility of government and public institutions.

Loss of Confidence in the Public Institutions

Once services can be bought and public officials break the trust and confidence people have in them, a loss of confidence in public institutions sets in (Sebola et al., 2014; Arokiasamy & Tamah, 2021). This, in turn, undermines the rule of law, security of property, respect for contracts, civil order and safety and ultimately, the legitimacy of the state itself.

The causes of corruption in South Africa are circumstantial and deeply rooted in the country's bureaucratic traditions, political development, and social history (Mlambo, 2019). The empirical

evidence from other studies revealed that corruption has flourished as a result of institutional weaknesses (Sindane, 2009; Göçen, 2021). The normal motivation of public-sector employees to work productively has been undermined by many factors, including declining civil service salaries and promotions unconnected to performance (Manyaka & Sebola, 2013). Staff members have also been demoralised by dysfunctional government budgets, inadequate supplies and equipment, delays in the release of budget funds, and a loss of organisational purpose, senior members of the government benefiting from the public's funds, entrepreneurial politics, bureaucratisation defective administrative arrangements and favouritism (Peté, 2021). The motivation to remain honest has further been weakened as a result of senior officials and political leaders using public office for private gain, as such widespread corruption in the public sector brought injustice, inefficiency, and mistrust of the government by the citizens thus, leading to public protest (Rulashe & Ijeoma, 2022).

The Significance Good Governance in The Public Sector

Governance is a multi-dimensional and complex concept so elusive that scholars from various disciplines, *inter alia* Development Studies, Public Administration and Economics seem cautious to commit themselves to a single definition, though in many instances, a semblance of similarity of perspectives regarding its meaning does exist among them (Maserumule, 2009). According to Peté (2021), governance is referred to as "a process of decision-making and the process by which decisions are implemented or not implemented". A process includes elements from within a society that possess power and authority to influence public policy and decisions concerning public affairs. Governance should be conducted in a manner that people are central to the day-to-day running of the government, being partners in decision-making processes involvement and participation in government programmes (Waweru, 2020; Sibug, 2023). Good governance also requires capacity, skills, knowledge, and resources to fight fraud and corruption.

Good governance defines effective authority in the public sector as the principles that encourage better decision-making and the efficient use of resources and strengthen accountability for the stewardship of those resources (Maramura, 2022). Therefore, effective governance is characterised by robust scrutiny, which provides important pressures for improving public sector performance, gaining transparency and tackling corruption (Rapanyane, 2021). Although there are multitudes of definitions, good governance, in essence, addresses the allocation and management of resources to respond to collective challenges, such as fraud and corruption.

Effective governance improves management, leading to more effective implementation of the chosen interventions, better service delivery and operation, and, ultimately, better outcomes (Waweru, 2020). At the core of a good public sector, governance is an organisational culture committed to it. This begins with its leaders embracing the aforementioned principles of good public sector governance as core values to guide their judgment and behaviour (Rapanyane, 2021; Marawu et al., 2023). The approach will set an example for the employees within the organisation to do the same. Good public sector governance entails effective communication with stakeholders (Rulashe & Ijeoma, 2022). Stakeholders can provide invaluable information with respect to policy and program development and feedback on the quality and effectiveness of the public sector organisation's goods or services (Maramura, 2022). Helps to measure if the public organisation is if it is able to meet the accountabilities of external accountability institutions for their performance and/or compliance with regulatory requirements. External accountability institutions may include a political or legislative body, an external auditor (who is responsible to the political and legislative body for conducting both financial and performance audits), an ombudsman who has the power to investigate complaints, a privacy commissioner who has the power to investigate privacy-specific

complaints, and other legal bodies (Molepo et al., 2015; Reilly, 2017). Given the discourse on governance, it has become apparent that there is agreement that issues of accountability, ethical behaviour, fairness, transparency and responses to people's needs form the cornerstone of good governance (Mlambo et al., 2022). National Development Plan 2030 identifies the following as critical elements of good governance: accountability, transparency, independence, fairness, responsibility and discipline.

Discipline: This means a commitment by the organisation's senior management to standards of correct and proper behaviour.

Transparency: This is where an outsider can meaningfully analyse the actions and performance of the organisation.

Accountability: This is where communities' rights to receive information relating to the stewardship of the organisation's assets and performance are addressed.

Responsibility: This is where all the consequences of the organisation's behaviours and actions in relation to the commitment to improvements are accepted.

Fairness: This is in terms of the acknowledgement of respect for and balance between the rights and interests of the various stakeholders of the organisation.

Social responsibility: This is where the organisation demonstrates its commitment to ethical standards and its appreciation of the social, environmental and economic impact of its activities on the society in which it functions.

Ethics As a Remedy to Corruption in The Public Sector

Ethics are a set of principles and norms that monitor or administer the moral conduct of the employees in the institutions (Manyaka & Sebola, 2013; Rulashe & Ijeoma, 2022). Ethics deals with values that relate to human conduct, decorum in the wrongness of rightness of particular actions and the badness and goodness of the motives (Molepo et al., 2015). Rightness refers to "what must be or what is approved, and wrongness to what ought not to be or what is disapproved by the society". Ethics has to do with what is right or wrong (Molepo et al., 2015). Ethics also refers to personal customs, character, and way of being and acting, which gives rise to a life that the person develops day by day (David et al., 2021). In the context of public services, leaders and managers must possess a high-quality standard of ethics and must lead by example (Maramura, 2022). Ethics is further defined as adhering to moral values and, therefore, subscribing to ethical standards that indicate the appropriate stance and behaviour of individuals, groups, institutions, as well as organisational and social systems (Public Service Commission, 2001). Ethics are important because they help institutions in terms:

Asset Protection

A strong ethical culture within the institution is important in safeguarding assets. Employees who abide by workplace ethics would be able to protect and respect the institution's assets. For instance, employees would avoid making personal long-distance calls using the institution's lines. Ethics assists employees in respecting company property when they are treated with respect and dignity, which makes them feel proud to be working for the institution. They ensure that workers perform in an environment with integrity and strong ethics. Thus, it increases employee pride and discourages them from stealing supplies or equipment.

Productivity and Teamwork

Workplace ethics is integral in fostering increased productivity and teamwork among employees. It helps in aligning the values of the institution with those of the employees. Achieving

this alignment requires consistent encouragement of dialogue regarding the values of the institution, which enhances community, integrity and openness among employees. Ethics enable workers to feel a strong alignment between their values and those of the institution. They show such feelings through increased productivity and motivation.

Public Image

Making ethical choices earns institutions a lot of respect and cultivates a strong image in the public domain. For instance, if institutions fulfil all of their promises, the public would consider the business to be operating with honour and integrity while valuing people over profits. Building a strong public image through ethical conduct also earns more clients because the customers would develop trust and do business with the organisation.

Decision-Making

Ethical conduct in the workplace encourages a culture of making decisions based on ethics. It also enhances accountability and transparency when undertaking any decisions. During turbulent times, a strong ethical culture guides in managing such conflicts by making the right moves. It can help to introduce change successfully in the organisation, which can be a challenge. Ethical conduct within the institution sensitises how to act consistently, even in difficult times.

CONCLUSIONS

Corruption has a long history in South Africa, with the net loss of billions of taxpayers' money to finance corrupt public officials and their counterparts in the business sector under the apartheid regime. Despite a comprehensive legislative framework, the country has not escaped from the shameful list of corrupt states. It affects all sectors of society adversely. It corrodes national cultures and undermines development by distorting the rule of law, the philosophy of democracy and good governance; it endangers stability and security and threatens social, economic and political development. It also drains governments of resources and hinders international investments. In order to achieve its developmental goals, South Africa must develop a society with zero tolerance for corruption, in which citizens are able to hold their leaders to account. Leaders in government, business and civil society should conduct themselves with integrity and be held to high ethical standards. Achieving this requires strengthening the accountability institutions that are already in place and tackling corruption across society. Sanctions must be applied impartially to those who betray public trust or break the law. With political will and consistent application of the right strategies, corruption can be significantly reduced and public trust restored. Discipline, ethics and corruption need to be worked into the processes of recruitment and selection from the very beginning.

LIMITATION & FURTHER RESEARCH

While this study highlights the imperative of enforcing ethics to improve public service delivery by addressing unethical practices among public servants, it primarily relies on literature review. Future research should consider incorporating quantitative measures to assess the direct impact of ethics enforcement on service delivery outcomes and explore specific contextual factors and challenges that may hinder or facilitate the implementation of ethics enforcement mechanisms in various public sector settings.

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