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REFLECTION ON THE PHENOMENON OF CORRUPTION IN MEXICO AND SINGAPORE

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SUMMARY: I. *A general remark*. II. *Corruption in mexico in contemporary times*. III. *Comparative study: singapore's experience in fighting corruption*.

I. A GENERAL REMARK

Corruption is a complex phenomenon on which numerous studies and reflections have been written, which have, as their starting point, varied approaches and points of view, as an example, there are works that place greater emphasis on the actors involved in acts of corruption, that is, they highlight in one way or another the influence and actions of government officials and servants; of public or private, national or international companies; of political parties or candidates; to name a few.[1]

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[1] For example, a work that points to the analysis of judges and members of the judiciary is that of Carbonell, Miguel, "Corrupción judicial e impunidad: el caso de México", in Méndez, Silva Ricardo (coordinator), *Lo que todos sabemos sobre la corrupción y algo más*, Mexico, UNAM, IIJ, 2010, *https://archivos.juridicas.unam.mx/www/bjv/libros/6/2770/4.pdf*.

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Other studies highlight the ways in which acts of corruption can be sanctioned, from criminal or administrative matters,[2] alluding to the administrative or criminal types contained in the norm, that is, collusion, embezzlement, bribery, influence peddling, abuse of authority, concealment, improper hiring, obstruction of justice, illicit enrichment, among others. There are also analyses that highlight perceptions of corruption[3] and its effects;[4] others that underline the control mechanisms used to combat it,[5] that within the doctrine can be considered intra-organizational and inter-organizational controls, and those that narrate the mechanisms to face it,[6] to mention a few, without omitting that the possibilities of each of these approaches are associated with some discipline or area of knowledge, thus we have the study of corruption from the political point of view,[7] juridical,

[2] *Cfr*. Díaz Aranda, Enrique, "¿Previene el delito de enriquecimiento ilícito la corrupción?", in Méndez, Silva Ricardo, coordinator, *op. cit.*, *https://archivos.juridicas.unam.mx/www/bjv/libros/6/2770/6.pdf.*

[3] Regarding this type of analysis, the most common is the one carried out by Transparency International called the Corruption Perception Index. In the case of Mexico, out of a total of 180 countries analyzed, Mexico ranks 135th in the Corruption Perceptions Index 2017, while in 2016 it ranked 123rd out of a total of 176 countries. Cf. Transparency International, Corruption Perceptions Index 2017, consulted on May 31st, 2019, available in *https://www.transparency.org/news/feature/corruption_perceptions_index_2017*.

[4] An interesting work is the one presented by Fernando Jiménez Sánchez about political and institutional disaffection in Spain, derived from the citizen's perception of the high rates of corruption, disaffection understood as an attitude that implies a lack of interest and commitment to public affairs and political activity in general, *Cfr*. Jiménez Sánchez, Fernando. "Los efectos de la corrupción sobre la desafección y el cambio político en España", in International Transparency and Integrity Review, Spain, No. 5, September-December 2017, p. 10, available in *https://revistainternacionaltransparencia.org/wp-content/uploads/2017/12/fernando_jimenez.pdf.*

[5] See Valadés, Diego, "Reformar el regimen de gobierno", in Salazar, Pedro *et al.* (coords.), *¿Cómo combatir la corrupción?*, Mexico, UNAM, Institute of Legal Research, 2018, pp. 3-14, *https://archivos.juridicas.unam.mx/www/bjv/libros/9/4315/27.pdf.*

[6] In this regard, see the article by Cárdenas, Jaime "Herramientas para enfrentar la corrupción", in Méndez, Silva Ricardo (coordinator), *op. cit.*, *https://archivos.juridicas.unam.mx/www/bjv/libros/6/2770/5.pdf*. You can also see Guerra Ford, Oscar, "Medios y mecanismos para combatir la corrupción", in Salazar, Pedro *et al.*, coordinators, *op. cit.*, pp. 147-157, *https://archivos.juridicas.unam.mx/www/bjv/libros/9/4315/27.pdf.*

[7] In this regard, the work of Lascoumes, Pierre can be reviewed, *Une démocratie corruptible. Arrangements, favoritisme et conflits d'intérêt*, Paris, La République des idées, 2011. See also the interview about his work in Salle, Gregory and Mucchilli, Laurent, "Une democratie corruptible?, Entretien avec Pierre Lascoumes", *https://www.laurent-mucchielli.org/public/ITV_Pierre_Lascoumes.pdf.* A study from the public administration can be reviewed in Ramió, Matas, Carles, "La Administración Pública del futuro: la administración 2050", in GIGAPP Studies, Doctoral Program in Government and Public Administration, Ortega y Gasset

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international,[8] from the perspective of philosophy, psychology, economics, or sociology.

The purpose of the foregoing is to highlight the complexity of the phenomenon called "corruption", already in a previous work[9] We have analyzed the different narratives around it, proposing Diasdoralogy as a means of approach to rationalize the way in which it carries out its study, regardless of the different disciplines, with the aim of understanding its causes, manifestations, and effects.

On the other hand, Agustí Cerrillo points out that "corruption arises from the existence of a conflict of interest"[10] and affirms that it "has unavoidably diffuse contours that do not allow a clear distinction to be established between what is corrupt and non-corrupt", however, he highlights two essential elements that must coincide in a situation in order to be classified as corruption, abuse of power and obtaining benefits, since "the abuse of power translates into taking advantage of a conflict of interest by imposing private interest over the public interest to obtain a benefit".[11]

The truth is that, regardless of the methodology or technique used to advance in the understanding of corruption,[12] we agree that there is no single or complete concept of what is and is not, and for the purposes of this work, we can understand it as a multidimensional and complex phenom-

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University Research Institute, Madrid, WP – 2015-08, *http://prospectiva.eu/dokumentuak/La_Administracion_%20Publica_del_Futuro-La_Administracion_2050-Carles-Ramio.pdf.*

[8] The work of Susan Rose-Ackerman addresses, among other things, the impact and responsibility of transnational corporations in the international economy, as well as the controls that the international community usually imposes to combat them. This article is also an example of the analysis of corruption from the participating subjects, that is, from the analysis of the performance of international economic agents. Rose - Ackerman, Susan, " Corrupción y economía internacional", Alicante, Miguel de Cervantes Virtual Library, 2005, Digital Edition from Isonomy: Journal of Theory and Philosophy of Law, No. 10 (April 1999), pp. 51-82, *http://www.cervantesvirtual.com/obra/corrupcin-y-economa-global-0/* .

[9] Márquez Gómez, Daniel and Camarillo Cruz, Beatriz, *La diasdoralogía como una teoría del fenómeno de la corrupción en México,* Mexico, Institute of Legal Research, UNAM, 2019, p. 174.

[10] Cerrillo I Martínez, Agustí. *El principio de integridad en la contratación pública. Mecanismos para la prevención de los conflictos de intereses y la lucha contra la corrupción.* Spain, 2nd edition, Thomson Reuters Aranzadi, 2018, p. 52.

[11] *Ibidem*, p. 54.

[12] To go deeper into the concept of corruption, see Klitgaard, Robert, *Controlando la corrupción. Una indagación práctica para el gran problema social de fin de siglo*, tran. Emilio M. Sierra Ochoa, Buenos Aires, South American Ed., 1994; Susan Rose-Ackerman, Corruption and Government, United Kingdom, Cambridge University Press, 1999 and Morris Stephen D., *Corrupción y política en el México contemporáneo*, Mexico, Siglo XXI, 1992.

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enon, found in both public and private spaces, which encompasses actors individual and collective, national and supranational, in the political, economic, social and cultural spheres, negatively impacting the institutionality and legality of a nation, involving the use of resources from public space for private benefit.

II. Corruption in mexico in contemporary times

In Mexico, the phenomenon of corruption has been addressed, with greater or lesser success, at different times and in different ways. In the recent history of our country, the government of then President Miguel de la Madrid Hurtado is identified with the so-called "moral renewal of society", characterized as: *an effort to return to the sobriety and austerity typical of the republican regime and to subordinate every personal or group interest to the interests of the Nation*,[13] who started an institutional fight against corruption in our country.

The so-called thesis of the moral renewal of society should be headed by the public administration and from there to the whole of society, for which it was stated that "moral renewal is the backbone of the renewal of the entire society";[14] and in that context, various reforms were also carried out to the national legislation and control of the public administration, in accordance with the idea of moral conduct in the public space, as can be seen in the modification to the Fourth Constitutional Title, whose text from 1917 was called "Of the Responsibilities of Public Officials"[15] and after its first reform in 1982, it was called "Of the Responsibilities of Public Servants",[16] the publication of the then new Law of Responsibilities of Public Servants,[17]

[13] *Cfr.* "I Informe de Gobierno del Presidente Constitucional de los Estados Unidos Mexicanos. Miguel de la Madrid Hurtado, 1o. de septiembre de 1983", *Informes Presidenciales*, Mexico, Chamber of Deputies, LXI Legislature, General Directorate of Documentation Services, Information and Analysis, April 2012, p. 12, *http://www.diputados.gob.mx/sedia/sia/re/RE-ISS-09-06-16.pdf.*

[14] *Cfr.* "II informe de Gobierno del Presidente Constitucional de los Estados Unidos Mexicanos. Miguel de la Madrid Hurtado, 1o. de septiembre de 1984", *ibidem*, p. 102.

[15] *Cfr.* Original text of the Political Constitution of the United Mexican States, Official Journal of the Federation, Organ of the Provisional Government of the Mexican Republic, February 5th, 1917. Chamber of Deputies of the Congress of the Union, *http://www.diputados.gob.mx/LeyesBiblio/ref/dof/CPEUM_orig_05feb1917_ima.pdf.*

[16] Official Journal of the Federation, December 28th, 1982, with this constitutional reform, articles 108 to 114 were modified, which make up precisely the Fourth Title of the Political Constitution of the United Mexican States, *http://www.diputados.gob.mx/LeyesBiblio/ref/dof/CPEUM_ref_099_28dic82_ima.pdf.*

[17] Published in the Official Journal of the Federation, on December 31st, 1982.

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Planning Law,[18] the reforms to the Civil Code,[19] to the Federal Penal Code,[20] the publication of the Federal Law of Parastatal Entities,[21] among others. A debate also arose around the supplementary application of criminal regulations to the matter of responsibilities of public servants, which was resolved positively.[22]

Later, during the six-year term of then President Vicente Fox Quezada, the name was changed from the Secretariat of Comptrollership and Administrative Development to the Secretariat of Public Administration,[23] part of the Federal Law of Responsibilities of Public Servants was abrogated, and the Federal Law of Responsibilities of Civilian Public Servants was issued at the federal level,[24] and the Law of Professional Career Service in the Federal Public Administration was issued. During the government of Enrique Peña Nieto, it must be remembered that even the disappearance of the Ministry of Public Administration was proposed[25] and for several

[18] Published in the Official Journal of the Federation, on January 5th, 1983, it mainly highlights the Seventh Chapter of responsibilities, articles 42 to 44, *http://www.diputados.gob.mx/LeyesBiblio/ref/lplan/LPlan_orig_05ene83_ima.pdf.*

[19] *Cfr.* Reform and addition to articles 1916, 1916 Bis and 2116 of the Civil Code for the Federal District in common matters and for the entire republic in federal matters, Official Journal of the Federation (D.O.F. by its Spanish initials), in relation to moral damage, and reparation, considering also as responsible the State and its officials. Official Journal of the Federation of December 31st, 1982, *http://www.diputados.gob.mx/LeyesBiblio/ref/ccf/CCF_ref27_31dic82_ima.pdf.*

[20] *Cfr*. Official Journal of the Federation of January 5th, 1983, *http://www.diputados.gob.mx/LeyesBiblio/ref/cpf/CPF_ref45_05ene83_ima.pdf.*

[21] Published in the Official Journal of the Federation on May 14th, 1986, *http://www.diputados.gob.mx/LeyesBiblio/ref/lfep/LFEP_orig_14may86_ima.pdf.*

[22] The debate was related to the content of article 45 of the Federal Law of Responsibilities of Public Servants, which established the supplementary nature in favor of adjective and substantive criminal norms in matters of responsibility of public servants. See: Digital Registry: 190265, Instance: Collegiate Circuit Courts, Ninth Period, Subject(s): Administrative, Thesis: I.7o.A. J/12, Source: Judicial Weekly of the Federation and its Gazette. Volume XIII, February 2001, page 1701, Type: Jurisprudence, item: Administrative responsibility of public officials. The provisions of the Federal Code of Criminal Procedures are supplementally applicable.

[23] *Cfr. Decree by which the Law of the Professional Career Service in the Federal Public Administration is issued; the Organic Law of the Federal Public Administration and the Budget, Accounting and Federal Public Expenditure Law are reformed; and the Planning Law is added*, published in the Official Journal of the Federation on April 10th, 2003.

[24] See: Official Journal of the Federation on March 13th, 2002 and its article 47 related to supplementation in favor of civil regulations.

[25] See the Second Transitory article of the reform to the Organic Law of the Federal Public Administration, published in the Official Journal of the Federation on January 2nd, 2013.

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years it operated based on a transitory article; one of the main arguments in its disappearance was that it was an unnecessary dependency, since it would promote the formation of an anti-corruption body.[26]

Paradoxically, during one of the Mexican governments with the biggest corruption scandals, and after more than three decades since the start of the so-called moral renewal policy, the issue of combating corruption returned to the legislative agenda, taking shape in the constitutional reform of May 27th of 2015, in addition to the fact that various sectors of society promoted it as a national priority, to the extent that it is currently one of the main lines of action of the Mexican government.

With the modifications to the constitutional text, the name of the Fourth Title was changed to "Of the responsibilities of public servants, individuals linked to serious administrative offenses or acts of corruption, and patrimonial of the State"; From which two major issues stand out, the first is that it is accepted that public servants are not the only ones who can incur or carry out acts of corruption, private individuals are also included; and the second is that it distinguishes between serious and non-serious corrupt conducts in administrative offenses. This reform also entailed the modification of article 73, sections XXIV and XXXIX-V, to empower the Congress of the Union to issue the general laws that establish the bases of the National Anticorruption System and that of administrative responsibilities of public servants, respectively.

In the constitutional reform that is commented, the creation of a "system" was established to combat the old national problem of corruption, in fact, article 113 of the CPEUM establishes the National Anticorruption System as "the instance of coordination between the authorities of all government orders competent in the prevention, detection and punishment of administrative responsibilities and acts of corruption, as well as in the supervision and control of public resources".[27] To carry out the coordination function of this system, a Coordinating Committee is formed,[28] made

[26] *Cfr.* "La SFP ya no existe; es necesario regularizarla: Marván Laborde", *La Jornada*, February 5th, 2015, *https://www.jornada.com.mx/2015/02/05/politica/003n1pol.*

[27] *Cfr.* Political Constitution of the United Mexican States, article 113.

[28] The Coordinating Committee of the National Anticorruption System is made up of the heads of the Superior Audit of the Federation; of the Specialized Prosecutor's Office in the Fight Against Corruption; of the Ministry of Public Administration; by the president of the Federal Court of Administrative Justice; the president of the National Institute of Transparency, Access to Information and Protection of Personal Data (INAI); by a representative from the Council of the Federal Judiciary and another from the Citizen Participation Committee. *Cfr.* CPEUM, article 113, section I.

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up of the heads of different entities and dependencies of the federal public administration, of autonomous constitutional bodies and civilian collegiate bodies.[29] From the normative point of view, this Coordinating Committee is at the head of the so-called state anti-corruption systems and designs the policy of the Mexican State in the matter.

In addition, on July 18th, 2016, the General Law of the National Anticorruption System was approved; the General Law of Administrative Responsibilities; the Organic Law of the Federal Court of Administrative Justice and other legal reforms to give effect to the constitutional reform of 2015, among others, those related to the Organic Law of the Attorney General's Office —now the General Prosecution Office— the Organic Law of the Federal Public Administration and the Federal Penal Code.

However, in the states,[30] in accordance with the Executive Secretariat of the National Anticorruption System, a decentralized non-sectorized body, which provides technical support to the Coordinating Committee of the National Anticorruption System,[31] there is significant progress in the approval of local laws on the matter, that is, to harmonize their laws with the constitutional reform of 2015, each of the federal entities must reform 9 laws, including the modifications to their constitutional texts, which gives a total of 288 reforms, additions or the possible issuance of new local legal systems.[32]

[29] The Citizen Participation Committee is created, made up of 5 citizens of recognized prestige in the fight against corruption, accountability and transparency.

[30] With regard to the federal entities, a contradiction to make this system operational does not go unnoticed, since the transitory fourth article of the Decree of constitutional reform for the fight against corruption of May 27th, 2015, established that the Congress of the Union, the state legislatures and the then Legislative Assembly of the Federal District, should issue the laws and carry out the corresponding regulatory adjustments, within 180 days following the entry into force of the general laws (of the National Anticorruption and Administrative Responsibilities System), notwithstanding the foregoing, the decree published on July 18th, 2016 through which, among others, the aforementioned general laws were approved, in its second transitory it was established that the Congress of the Union and the states would have one year as a deadline to make the necessary regulatory adjustments, after which and only pointing it out as an exercise in neatness of legislative technique, a transitory of a general law modifies the content of a transitory contained in a constitutional reform, a situation that reveals part of the little legislative care in certain matters. This academic delicacy might seem insignificant given the size of the complexity to make the anti-corruption reform operational, although this undoubtedly reveals in part what is happening in our country, since there are dramatic cases of violations of national legislation via the figure of "fraud to the law".

[31] *Cfr*. Ley General del Sistema Nacional Anticorrupción, articles 24 and 25, Official Journal of the Federation, July 18th, 2016.

[32] *Cfr*. Executive Secretariat of the National Anticorruption System, "Adecuación al marco normativo de los Sistemas Locales Anticorrupción", figures provided as of April 9th,

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According to information from the Executive Secretary, in Mexico, only 2 local regulatory adjustments are pending throughout the country.

As can be seen, since May 2015, the way in which the Coordinating Committee would be integrated was established, however, it is not until February 2019, almost four years later, that it can be said that it was completely integrated, since it is until then that the person in charge of the Specialized Prosecutor's Office in the Fight against Corruption was appointed.[33] In addition to the delay in the formation of the Coordinating Committee, it has not gone unnoticed that the reforms to the Federal Penal Code in the fight against corruption did not come into force immediately, but only after the appointment of the Head of the specialized Prosecutor's Office,[34] that is, almost three years after its legislative approval.

In the states, according to the information provided by the Executive Secretary of the National Anticorruption System, the formation of the operational structure of the local systems presents a very significant advance, since of the 191 instances or positions that must be formed or appointed in the 32 states, only 4 are pending appointment, which represents about 2% at a national level.[35]

Evidently, both the approval of the regulatory adjustments and the start-up of the operating structures in the federal entities constitute a "formal" data that does not necessarily reflect a qualitative change in their start-up, however, for the purposes of this text, it is indicative of the level of progress

2021. The legal systems that have been adapted or issued are: reforms to the local constitution; 2) State anti-corruption law; 3) law of administrative responsibilities; 4) Oversight and accountability law; 5) Organic Law of the Court of Administrative Justice; 6) Organizing Law of the Attorney General's Office; 7) Penal Code; 8) Organic Law of the state public administration; and 9) Domain extinction law, *https://www.sesna.gob.mx/wp-content/uploads/2021/04/Avance_Marco_Normativo_SLA-09Abr2021.pdf.*

[33] *Cfr.* On February 9th, 2019, the Attorney General of the Republic appointed the person in charge of the Specialized Prosecutor's Office in the fight against Corruption. and the head of the Electoral Crimes Prosecutor, *Cfr.* "Gertz Manero designa fiscales contra la Corrupción y Delitos Electorales", Excelsior, *https://www.excelsior.com.mx/nacional/gertz-manero-designa-fiscales-contra-corrupcion-y-delitos-electorales/1295423.*

[34] *Cfr.* First Transitory of the Decree that amends, adds, and repeals various provisions of the Federal Penal Code in Matters of combating corruption, published in the Official Journal of the Federation on July 18th, 2016.

[35] *Cfr*. Executive Secretariat of the National Anticorruption System, "Conformación de la estructura operativa de los Sistemas Locales Anticorrupción", with a cut-off date of April 9th, 2021. The instance or appointment that must be made are: Selection Commission; Citizen Participation Committee, Coordinating Committee; Executive Secretary; Anticorruption Prosecutor and Magistrate of the Court of Administrative Justice, *https://www.sesna.gob.mx/wp-content/uploads/2021/04/Avance_Estructura_Operativa_SLA-09Abr2021.pdf.*

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in the implementation of the National Anticorruption System in the country, which presents new challenges due to its size and the number of factors and actors involved.

Having pointed out the foregoing, it should be emphasized that, despite the complexity of the phenomenon of corruption, in our country there is progress in the legislation on the matter, however, and taking into consideration that the constitutional and legal reforms are perfectible, even they are insufficient to achieve a significant advance in their combat. Moreover, the current government comes to power by entrenching itself ideologically in the discourse of combating corruption.

The Mexican reality presents real questions about the way in which the so-called National Anticorruption System will end up being implemented, coupled with the context of the arrival of a new political group to power and the configuration of a political class different from that of previous years, with an ideology and a different way of understanding government action. In this sense, it will suffice to mention that the issue of corruption appeared repeatedly in the official documents of the ruling party: Statutes,[36] Declaration of Principles[37] and Action Program[38] of the Morena political party, as

[36] Statutes. Article 2. MORENA will be organized as a national political party based on the following objectives: … d. The search for the eradication of corruption and the privileges to which public office and political representation have been dominantly associated. Cf. National Electoral Institute, Basic documents, Morena Statute, article 2, *https://www.ine.mx/actores-politicos/partidos-politicos-nacionales/documentos-basicos/*.

[37] Declaration of Principles. …" The members of MORENA will govern our personal and collective conduct under the following ethical principles and human values defended by our organization:

...

6. Our Party recognizes its essence in plurality; MORENA is respectful of the cultural, religious and political diversity within it.

Our individual and collective action is based on principles of honesty, patriotism and recognition of differences to forge a new way of doing public work, away from the vices and corruption of the political practices of the current political, cultural and economic system".

Cfr. ibidem, Declaración de Principios de Morena, principle 6.

[38] MORENA's action program. "To carry out the postulates and achieve the objectives set forth in our declaration of principles, MORENA is a plural, broad and inclusive organization that calls on the people of Mexico to fight peacefully to change the regime of injustice, corruption and authoritarianism that governs Mexico (...) For a republican ethic and against corruption. The public, private and social life of our country lives in deep corruption, the institutions are captured by the de facto powers and impunity prevails for those who commit serious crimes against the majority. We fight against all forms of corruption, the use of public power for personal and group enrichment, against influence peddling and the management of public resources for the benefit of a few. We strive to establish a true sense of public service. For the elimination of the waste of public resources, excessive

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in the government program of the current administration called Project of the Nation 2018-2024, which in its general guidelines established as a priority axis what is related to "Legality and eradication of corruption".[39]

In addition, with the publication of the National Development Plan 2019-2024, the principles and priority actions of the current government were outlined, whose main flag has been to end corruption,[40] for which various objectives were established, among others, "classifying corruption as a serious crime, prohibiting direct adjudications, ... eliminating the jurisdiction of senior officials ... oversight mechanisms such as the Ministry of Public Administration (SFP) and the Superior Audit of the Federation (ASF)".[41] In this context, and with a majority in the Congress of the Union of the party in government, some of the objectives set out in the aforementioned National Development Plan have materialized.

In accordance with the foregoing, on April 4th, 2019, article 19, second paragraph of the Political Constitution of the United Mexican States was amended, after which it is considered a serious crime, among others, that of corruption in its aspect of illicit enrichment and abusive exercise of functions,[42] resulting in the imposition of informal preventive detention, a

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salaries, and waste of the high bureaucracy. The waste of the government offends the people. The absence of a democratic regime and impunity cause corruption to multiply. We fight for the exercise of power to be democratic, transparent, and accountable to society. That governments, unions, parties, business organizations, churches, electronic communication media, large companies make the origin and management of their resources transparent and accountable to society". *Cfr. ibidem*, MORENA's program, 2nd line of action.

[39] *Cfr.*National Project 2018-2024, p. 6, *https://contralacorrupcion.mx/trenmaya/assets/plannacion.pdf.*

[40] The references to the fight against corruption in the National Development Plan 2019 -2024 are numerous, for example, the word "corruption" appears 29 times and corrupt(s) or corrupt 6 times; In addition, we find that in the General Axis 1 called "Politics and government", the first section is called "Eradicate corruption, waste and frivolity", in the same way ideas such as "...we are committed, in the first place, to end corruption in the entire public administration, not only monetary corruption but also that which involves simulation and lies", "corruption is the most extreme form of privatization, that is, the transfer of public goods and resources to private individuals ", "eradicating corruption in the public sector is one of the central objectives of the current six-year term".

[41] *Cfr.* National Development Plan 2019-2024, published in the Official Journal of the Federation on July 12nd, 2019.

[42] The Federal Penal Code in article 224, establishes that there is illicit enrichment when the public servant cannot prove the legitimate increase of his patrimony, the legitimate origin of the assets in his name, or of those with respect to which he conducts himself as owner, sanctioning this conduct with the confiscation in favor of the State, of those assets whose origin cannot be proven, in addition to a fine and imprisonment of up to 14 years. On the other hand, article 220 establishes that the crime of abusive exercise of functions is updated

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reform that has drawn severe criticism for affecting the principle of presumption of innocence of the accused.

Regarding acquisitions in Mexico, the Organic Law of the Federal Public Administration was modified,[43] and functions were reassigned to the Ministry of Finance and Public Credit, leading to the centralization of the work of planning and conducting the general policy on public contracting, regulated by the Law of Acquisitions, Leases and Services of the Public Sector and the Law of Works Public and Related Services, institutional design that sought to end corruption in public purchases at the federal level.[44]

However, the balance is not positive, because the political declarations and legislative adjustments do not coincide with the facts. Paradoxically, according to information published by the Ministry of Finance and Public Credit, during 2020 the public procurement platform "Compranet",[45] registered a total of 144,901 public contracts in the federal public administration, of which 80.7% (117,042) were carried out by direct award, while

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when the public servant who, in the performance of his employment, position or commission, illegally grants by himself or through an intermediary, contracts, concessions, permits, licenses, authorizations, franchises, exemptions or make purchases or sales or perform any legal act that produces economic benefits, conduct punishable by a fine and up to 12 years in prison.

[43] See article 31, sections XXV – XXVIII, of the Organic Law of the Federal Public Administration, after the reform published in the Official Journal of the Federation on November 30th, 2018.

[44] This was stated in the explanatory memorandum of the Initiative to reform the Organic Law of the Federal Public Administration, presented by Deputy Mario Delgado Carrillo, also signed by legislators from the Parliamentary Group of the Morena political party: "Purchases by the public sector are a potential source of corruption at all scales and at all levels, in such consideration proposes that the Ministry of Finance and Public Credit be given the powers to consolidate purchases of the Federal Public Administration in all markets of goods and services…" and "The dispersion of faculties and authorities directly involved with the exercise of public resources for purchases of goods and services or payment of public works contracts is another source of corruption and that the greater the dispersion, the less capacity for inspection and control…". Cf. "Opinion of the Commission of Governance and Population, with opinion of the Commission of Public Security that contains draft decree by which various articles of the Organic Law of the Federal Public Administration are reformed", Parliamentary Gazette of the Chamber of Deputies, November 13th, 2018, p. 11, *http://gaceta.diputados.gob.mx/PDF/64/2018/nov/20181113-III.pdf.*

[45] The period presented is from January 1st to December 31st, 2020. The total number of contracts registered in Compranet, the public platform for public contracts, during 2020 was 153,059, corresponding to the Federal Public Administration (APF) 144,901, to State Governments (GE) 6,448 and to Municipal Governments (GM) 1,710. Cf. "Datos relevantes de los contratos ingresados a Compranet en 2020", Ministry of Finance and Public Credit, *https://datos.gob.mx/busca/dataset/contratos-ingresados-a-compranet-2020.*

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the public bidding procedure represented only 10.8% (15,746) and the contracting by invitation to at least three people represented 5.3% (7,715) of the cases, among the contracting procedures contemplated in the legislation for the acquisition of goods, works and services. In the case of medicines, a complicated and deficient centralization mechanism was used, which ended up giving the United Nations Office for Project Services (UNOPS) the task of purchasing medicines. This has caused a shortage of medicines in the health sector.

On the other hand, among the government programs that have been approved in the fight against corruption is the National Program to Combat Corruption and Impunity, and to Improve Public Management, 2019-2024,[46] which raised five priority objectives, among others, to combat head-on the causes and effects of corruption and combat the levels of administrative impunity in the Federal Government, without its results being clear so far.

In this way and having as its axis a policy of austerity in the exercise of public spending, it began by presidential decree of April 2nd, 2020,[47] a process of extinction of public trusts and with it the disappearance of important programs in science, technology, education, attention to natural disasters, culture, protection of victims and journalists, among others. After the first decree, a second came on November 6th, 2020,[48] with which 18 laws

[46] Decree approving the National Program to Combat Corruption and Impunity, and to Improve Public Management 2019-2024, published in the Official Journal of the Federation on August 30th, 2019. The Units in charge of carrying out this program are the Ministry of Public Administration, the Ministry of Finance and Public Credit and the Coordination of the National Digital Strategy of the Office of the Presidency.

[47] Decree ordering the extinction or termination of public trusts, public mandates and the like, published in the Official Journal of the Federation on April 2nd, 2020, with which "the dependencies and entities of the Public Administration are instructed Federal, to the Office of the Presidency of the Republic, as well as to the Agrarian Courts, ... carry out the processes to extinguish or terminate all public trusts without organic structure, mandates or analogs of a federal nature in which they act as responsible units or constituents. The rights and obligations derived from said instruments will be assumed by the executors of the corresponding expenses charged to their authorized budget…". establishing that the deadline for the coordination of actions to concentrate all federal public resources in the Treasury of the Federation, was April 15th, 2020, that is, fourteen calendar days after its publication.

[48] Decree amending and repealing various provisions of the Law for the Protection of Human Rights Defenders and Journalists; of the Law of International Cooperation for Development; of the Hydrocarbons Law; of the Electricity Industry Law; of the Federal Budget and Treasury Responsibility Law; of the General Law of Civil Protection; of the Organic Law of the National Financing for Agricultural, Rural, Forestry and Fishing Development; of the Science and Technology Law; of the Customs Law; of the Regulatory Law of the Railway Service; of the General Law of Physical Culture and Sports; of the Federal Law of

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were reformed and 2 more repealed, to specify the extinction of 109 public trusts.[49] The main justification for the reform was to "eliminate unnecessary expenses, eliminate opacity in its administration and generate savings so that the country effectively allocates public resources to priority actions and programs of the National Development Plan 2019-2024",[50] provoking a wave of criticism from the affected sectors and uncertainty in the way in which certain priority actions and urgent attention will be taken up by the public entities head of the sector.

The truth is that the issue of combating corruption will continue to play a relevant role in the coming years in our country, and although it could be thought that in the legislative sphere it has been sufficiently addressed after the approval of the package of constitutional and legal reforms of 2015 and 2016, respectively, the evidence shows that the Mexican ruling class continues to bet on its regulation,[51] for example with legislative projects on conflicts of interest,[52] and not necessarily to improve the implementation capacity of existing control mechanisms.

Cinematography; of the Federal Rights Law; of the Law of the Mexican Petroleum Fund for Stabilization and Development; of the Law on Biosafety of Genetically Modified Organisms; of the General Law on Climate Change; of the General Law of Victims and repeals the Law that creates the Trust that will administer the Social Support Fund for Former Mexican Migrant Workers, published in the Official Journal of the Federation on November 6th, 2020.

[49] Gazette of the Senate of the Republic No. LXIV/3PPO-36/113367, of October 20th, 2020, Opinion of the United Commissions of Finance and Public Credit and of Legislative Studies, Second, *Microsoft Word - DICTAMEN MINUTA ELIMINACIÓN FIDEICOMISOS FINAL.docx* (*senado.gob.mx*).

[50] *Cfr*. Opinion of the Government and Public Accounts Commission of the Chamber of Deputies with a draft decree amending and repealing various provisions to specify the extinction of various trusts, published in Parliamentary Gazette No. 5621-V, October 1st, 2020, *http://gaceta.diputados.gob.mx/PDF/64/2020/oct/20201001-V.pdf.*

[51] This is demonstrated by the publication on November 5th, 2018, of the Federal Law on Remuneration of Public Servants, which regulates articles 75 and 127 of the Political Constitution of the United Mexican States, however the Supreme Court of Justice of the Nation issued the Declaration of invalidity of some of its articles in the Unconstitutionality Action 105/2018 and its accumulated 108/2018, published in the Official Journal of the Federation on July 19th, 2019, considering that part of its content is contrary to the Constitution. Another example is the Federal Republican Austerity Law, of November 19th, 2019.

[52] On June 2nd, 2020, the parliamentary group of the Morena party in the Transparency and Anticorruption Commission of the Chamber of Deputies, presented the so-called " Nueva Ley Federal de Combate a los Conflictos de Interés", announced from the National Development Plan 2019 – 2024, which is expected to be discussed in committees during 2021. Cf. Virtual Legislative Program in the face of the health emergency generated by the COVID-19 pandemic, Remote Legislative Activities, Minutes, Initiatives and Propos-

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There are emblematic cases of corruption with enormous media and political coverage, for example, the case of awarding contracts in several Latin American countries for the benefit of the Brazilian oil company Odebrecht, using corrupt practices and government bribes, and that it has been developing in Mexico for more than a decade with different political actors, involving the former director of the Mexican production company Petróleos Mexicanos, Emilio Lozoya Austin, disqualified from serving as a public servant by the Ministry of Public Administration in 2019, for 10 years,[53] and subsequently arrested in Spain in February 2020,[54] at the request of the Mexican authorities. The Lozoya "tsunami" has involved 17 politicians, including three former presidents, presidential candidates, ministers and deputies from the two PAN and PRI parties",[55] in a procedure that is scandalous for its narrative, and grotesque for the characters, with an uncertain port of arrival due to the way in which documents that are part of the investigations of the Mexican authorities have been leaked.[56]

On the other hand, the so-called case of "The master swindle",[57] is another sample of alleged acts of corruption for an estimated amount of 450

als with Point of Agreement, *PROGRAMA LEGISLATIVO VIRTUAL ANTE LA PANDEMIA COVID-19, Comisión de Transparencia y Anticorrupción / Inicio - Camara de Diputados.*

[53] *Cfr.* Communication from the Ministry of Public Administration of May 22nd, 2019, " Función Pública sanciona a altos mandos de Pemex de la Administración de Peña Nieto", sanction that was imposed for false information in his patrimonial declaration, *Función Pública sanciona a altos mandos de Pemex de la administración de Peña Nieto | Secretaría de la Función Pública | Gobierno | gob.mx (www.gob.mx)* Said sanction was confirmed by the Superior Chamber of the Federal Court of Administrative Justice, Cf. Ministry of Public Administration, Communication No. 014/2020 of February 5th, 2020, "Tribunal confirma validez de sanción impuesta por Función Pública a Emilio Lozoya, ex director general de Pemex", *https://www.gob.mx/sfp/prensa/tribunal-confirma-validez-de-sancion-impuesta-por-funcion-publica-a-emilio-lozoya-ex-director-general-de-pemex?idiom=es.*

[54] *Cfr. "Detenido en España el exdirector de Pemex Emilio Lozoya*, *El País*, February 13th, 2020.

[55] *Cfr. "Un video, maletas llenas de billetes y tres expresidentes*", *El País*, August 22nd, 2020.

[56] The dissemination in different national and international newspapers, of the complaint filed by Emilio Lozoya Austin, against various personalities of the Mexican political life, with date of reception of August 11th, 2020, by the Directorate of Documentation and Analysis of the Office of the Attorney General of the Republic, to say for himself, in the search for "... a criterion of opportunity and/or provide me with an alternative way out in strict adherence to the law regarding the procedures that are against me and against my family…", is a sample of the level of penetration of corruption in the operation of different projects of the Odebrecht company in Mexico, "Esta es la denuncia completa de Emilio Lozoya ante la FGR", *El Universal*, August 19th, 2020, *https://www.eluniversal.com.mx/nacion/esta-es-la-denuncia-completa-de-emilio-lozoya-ante-la-fgr.*

[57] The dissemination in the media of the irregularities detected in the so-called case of "La estafa maestra" was carried out after a journalistic investigation published on Septem-

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million dollars,[58] in which public higher education institutions and federal agencies are involved, the most visible character is María del Rosario Robles Berlanga, who was head of the Secretariat of Social Development and the Secretariat of Agrarian, Territorial and Urban Development, during the six-year term President of Enrique Peña Nieto, deprived of his liberty since August 2019 for his probable responsibility in the commission of crimes of corruption and. In this case, the Superior Audit Office of the Federation, after reviewing the 2013 Public Account[59] detected various irregularities that led to the filing of criminal complaints for the alleged participation of former public officials in the simulation of contracts under the Mexican legislation on acquisitions, legislation that establishes the possibility of subcontracting goods or services for a certain percentage, between dependencies of the federal public administration with the states, without the need to opt for the public bidding procedure established in the Constitution.[60] Criminal causes

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ber 4th, 2017 in the news outlet "*Animal Político*", *https://www.animalpolitico.com/estafa-maestra/* and that was later recognized by the *Ortega y Gasset 2018* award, Cf. *"La investigación que debió sacudir a México (pero no lo hizo)*", *El País*, April 24th, 2018.

[58] *Cfr.* "Qué es lo que en México llaman la Estafa Maestra, la investigación que revela la "pérdida" de US$450 millones de dinero público", *BBC News Mundo*, May 17th, 2018, *https://www.bbc.com/mundo/noticias-america-latina-44035664.*

[59] The then Superior Auditor of the Federation, Juan Manuel Portal on February 18th, 2015, presented the 2013 Public Account review report, which, among others, established that the legal framework provides that the acquisition and contracting processes that carried out between public entities can be carried out directly, that is, without public bidding and subcontracting goods or services up to a certain percentage (49%); however, "in multiple cases, it has been evident that the contracting institutions act as mere commission agents, which, with their intervention, allow direct awards to third parties, which are carried out outside the legal provisions...", after which and as a result, "the most frequent case refers to public universities, whose essential purposes are teaching and research, and not the provision of services, whether acquisitions, public works, consultancies, or even hiring of labor for third parties". The truth is that "the ASF has repeatedly observed in the review of the last three public accounts... Subcontracting for 100% of what was ordered by the contractor that is improperly carried out without observing the provisions regarding public tenders", mainly contrary to what is established in article 4 of the Regulations of the Law of Acquisitions, Leases and Services of the Public Sector. Cf. Superior Audit of the Federation, General Public Account Report for 2013, p. 71 et seq., *https://www.asf.gob.mx/uploads/55_Informes_de_auditoria/Informe_General_CP_2013.pdf.*

[60] The Law of Acquisitions, Leases and Services of the Public Sector in article 1, paragraph six (after the reform of August 11th, 2020), contemplates its application in the execution of public contracts between dependencies at the different levels of government (federal or state) or between dependencies of the same level, "when the dependency or entity obliged to deliver the good or provide the service, does not have the capacity to do it by itself and hires a third party to carry it out". In addition to the foregoing, the Procurement Law in article 41, section X, exempts from the public bidding procedure, among other cases, in the

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are currently ongoing[61] against different former officials, however, there is a lack of accurate information regarding the destination of the resources involved, the existence or not of the contracting companies and the goods and services actually provided.

Finally, another issue linked to corruption is drug trafficking, which in recent years has represented one of the most serious structural problems Mexico faces. During the government of former President Felipe Calderón Hinojosa, from 2006 to 2012, the so-called "war" against drug trafficking and organized crime was declared, resulting in unprecedented levels of violence in recent years in the country. In this context, on October 15th, 2020, Salvador Cienfuegos Zepeda, former Secretary of National Defense during the government of Enrique Peña Nieto, was arrested in the United States, accused by the United States Anti-Drug Agency (DEA)[62] of four charges for activities linked to drug trafficking during his tenure as secretary. After the arrest, the charges were dismissed by the North American authorities, and after the Mexican diplomatic intervention, he was transferred to Mexico and the case was taken up by the Attorney General of the Republic, an instance that was determined in January 2021, the non-exercise of the criminal action in favor of the retired general.[63] Due to the high position of

cases of "consulting services, advisory services, studies or investigations, ... among which public and private institutions of higher education and public research centers will be included".

[61] The Federal Court of Fiscal and Administrative Justice ratified a resolution of the Superior Audit of the Federation of January 11th, 2019, confirming the compensatory responsibility for the damage caused to the federal public treasury for an amount greater than 33 million pesos, against former officials of the then Secretary of Social Development (now Secretary of Welfare), of the Autonomous University of the State of Morelos and a contractor company, Cf. "TFJA ratifica resolución contra empresa involucrada en caso de la Estafa Maestra", El Economista, March 10th, 2021.

[62] *Cfr.* "Información sobre el caso del general retirado Salvador Cienfuegos Zepeda", Statement from the Ministry of Foreign Affairs, January 15th, 2021, through which the 751-page constant case file was disseminated, *https://www.gob.mx/sre/prensa/informacion-sobre-el-caso-del-general-retirado-salvador-cienfuegos-zepeda.*

[63] The Office of the Attorney General of the Republic, through a statement, reported the non-exercise of criminal action in favor of General Salvador Cienfuegos Zepeda, concluding that "he never had any encounter with the members of the criminal organization investigated by the US authorities; and he did not maintain any communication with them, nor did he carry out acts tending to protect, or help said individuals. Nor was any evidence found that he had used any equipment or electronic means, or that he had issued any order to favor the criminal group indicated in this case", and neither, "there was any data or symptom of obtaining illegal income or increasing his heritage out of the ordinary, according to their perceptions in the public service", *Cfr.* Communiqué FGR 013/21. *FGR Informa*, January 14th, 2021, *https://www.gob.mx/fgr/prensa/comunicado-fgr-013-21-fgr-informa.*

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the former official involved, due to the facts that are indicated and because it is a procedure that began in the United States without the knowledge of the Mexican government, it is an enormously complex matter that reveals the institutional circumstance of current Mexico.

Indeed, in the sphere of the Executive Power emphasis is repeatedly placed on the discourse of combating corruption, without this necessarily translating into articulated and planned actions in government action, and de facto leaving out of the implementation progress of anti-corruption policies, the institutional scaffolding created expressly, such as the National Anticorruption System, with which the vicissitudes in anti-corruption measures could lead to high costs. It is a fact that the implementation of a national system like the one that has been designed in Mexico is still under construction, coupled with the complexity that this phenomenon that afflicts our society entails.

III. Comparative study: singapore's experience in fighting corruption

1. *Context*

Between the II and III centuries, the first antecedents of Pu Long Chuo Island (the island of the end or island at the end of the peninsula) appear. Also known as Temasek or "City of the sea". In 1320 the Chinese arrived on the island and named it "Luang-ya-men" or the Strait of Dragon's teeth.[64] In the XIII century, Prince Parameswara arrived on the island, who, based on the legend that attributes Sri Tri Buana or Sang Nila Utama having seen a wild animal similar to a lion, baptized the island as: Singapura or "City of the Lions" or "City of the Lion".[65] In 1390 the Parameswara ruled the island. Subsequently, Singapore was transformed into a great commercial port, the Portuguese arrived in 1509 and in 1613 Portuguese pirates burned down the port.

In the 17th century the Dutch took control of the ports of Singapore. Thomas Stamford Raffles, representative of the East India Company, arrived on the Island on January 29th, 1819, helped the brother of the Sultan of Johore, Tengku Long Hussein, to return to Singapore and on Febru-

[64] Lee, Edwin, Singapore. The Unexpected Nation, Singapore, Institute of Southeast Asian Studies; 2008, p. 1.

[65] Malay Annals (Sejarah Melayu).

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ary 6th, 1819 signed a treaty with the Johore sultanate and local chieftain Temenggong Abdul Rahman to build a trading post in the area, creating modern Singapore.

Thomas Stamford Raffles left Commander William Farquhar, "Singapore's first resident", in charge of the port. Farquhar ruled from February 7th, 1819 to May 1st, 1823, and to increase revenue he sold licenses for gambling businesses and allowed the sale of opium.[66] Initially, Raffles saw Singapore as a trading post for opium in the region and determined that the East India Company would protect the opium trade and offer it in all its facilities. In addition, a 5% commission was assigned for each opium license. Paradoxically, Farquhar's idea was to use gambling revenue and opium to finance the police, which is why he was the founder of the first police force in Singapore.[67]

Raffles fired Farquhar on May 1st, 1823, replacing him with John Crawfurd, an efficient and prudent administrator, who again, paradoxically, licensed cockfighting.[68] In 1832 Singapore was the center of government for the English possessions in Malaya.[69] During colonial times, corruption grew in Singapore, because the corrupt were not detected nor punished. In 1871 it was determined that corruption was illegal. However, nothing concrete was done.[70] In 1889 Governor Cecil Clementi Smith banned secret societies, driving them underground.[71]

In December 1937, the first anti-corruption legislation was introduced through the Prevention of Corruption Ordinance (POCO), a short 12-section document with a limited scope, corruption was not a serious offense and officials had limited investigative powers.[72] The POCO was revised in 1946, making corrupt offenses attachable, giving police officers broader powers to combat corruption. However, this legislation did not consider the

[66] Biblioasia, Farquhar & Raffles. The Untold History, *http://www.nlb.gov.sg/biblioasia/2019/01/21/farquhar-raffles-the-untold-story/*. It is important to mention that opium was the main source of income for Singapore from 1824 to 1910.

[67] *Idem.*

[68] *Idem.*

[69] Gilardi, Mauro, Singapur: *¿qué democracia? Influencias externas y valores asiáticos en el proceso de formación de un modelo democrático*, tran. Audry Hawes Mayayo, Babelcube, 2017.

[70] Singapore Government, CPIB, Our Heritage, 1871, *https://www.cpib.gov.sg/about-cpib/our-heritage*, consulted May 1st, 2021.

[71] Ajuariaguerra Escudero, Miguel Ángel, *La planificación estratégica en los procesos de conformación de las ciudades globales: los casos de Singapur y Dubai, Anexos a la tesis doctoral*, p. 30, *http://oa.upm.es/33940/13/MIGUEL_ANGEL_AJURIAGUERRA_ESCUDERO_Anexo1.pdf.*

[72] Singapore Government, CPIB, Our Heritage, *cit.*, 1937.

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fact that the Anti-Corruption Branch (ACB) was inefficient, due to the low number of police officers and scarce resources.[73]

In October 1951, 1,800 pounds of opium were seized for $400,000 on Punggol beach and three police detectives were among the criminals. A special team from the ACB was appointed to investigate the case. Some high-ranking police officers were found to be involved in the crime, however, only one Assistant Superintendent was fired and another officer removed. The remaining officers were not prosecuted or convicted. As a result, in April 1952, the government assembled a Special Investigations Team to review the deficiencies in the investigation surrounding the opium case.[74]

The ACB's failure to curb corruption led to the ACB's demise. The government created the Corrupt Practices Investigation Bureau in September 1952, under the Attorney General. In 1952, the CPIB was a team of only 13 officers, who lasted only a short time in their commission, had limited capacities to carry out investigations, and a social stigma was generated for investigating other police officers. Thus, what prevented the investigation of the corruption of officials responsible for enforcing the law.[75]

On November 21st, 1954, Harry Lee (Lee Kuan Yew), a lawyer educated at Cambridge and Harvard, founded the People's Action Party (PAP). The party won the 1959 elections, when Lee Kuan Yew led the PAP and was sworn in in June 1959, his supporters wore white uniforms symbolizing the purity and incorruptibility of its members. Lee Kuan Yew vowed to end corrupt practices in Singapore. The government was prepared to tighten existing legislation and to modernize the CPIB as an agency dedicated exclusively to the investigation of corrupt practices and the preparation of evidence for prosecution. That year, the CPIB was transferred to the Ministry of the Interior.[76]

2. *Intervention Against Corruption: The Prevention of Corruption Act*

The Prevention of Corruption Act (PCA), introduced by then Minister of Internal Affairs Ong Pang Boon, was enacted on June 17th, 1960, incorporated significant provisions to eliminate the deficiencies of the POCO

[73] *Ibidem*, 1946.
[74] *Ibidem*, 1951.
[75] *Ibidem*, 1952.
[76] *Ibidem*, 1959.

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and to empower the CPIB to carry out their research and homework. The PCA has been reviewed several times to ensure its relevance and effectiveness, and forms one of the key pillars in Singapore's fight against corruption.[77]

The PCA of 1960 (chapter 241 of the Singapore Statutes)[78] prescribes that the Corrupt Practices Investigation Bureau (CPIB) will be headed by a director and three main departments: i) Investigations, ii) Operations and iii) Corporate Affairs.

A. *Department of Investigations*

Obligation	*Integrated by:*
Executes the main function of the Office investigating offenses related to the Prevention of Corruption Law.	Integrated by: 1. Special Investigations Branch (Public). 2. Special Investigations Branch (Private). They focus on corruption cases in the public and private sectors. 3. Financial Investigations Branch. Conducts investigations on money laundering and transnational corruption. 4. General Investigations Branch. Investigates day-to-day corruption cases. 5. Research Training Unit. It is responsible for planning the curriculum and conducting specialized courses in corruption investigation. 6. Research Policies Unit. Conducts analysis on trends in corruption and development of investigation policies to find hidden deficiencies in the organization in corruption investigations. It is responsible for the Anti-Corruption Expertise (ACE) workshops and training workshops for officials and counterparts. 7. Special Interviews Section.

[77] *Ibidem*, 1960.

[78] Prevention of Corruption Act (Chapter 241, Original Enactment: Ordinance 39 of 1960), Revised Edition 1993 (March 15th 1993). An Act to provide for the more effectual prevention of corruption [June 17th 1960] [29/2002 wef 30/01/2003].

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B. *Departament of Operations*

Obligation	*Integrated by:*
Carry out research support activities.	Integrated by: 1. Administration and Operations Support Division. Participates in various field operations, such as assisting in the arrest and escort of accused persons and assisting in the seizure and examination of documents, in the use of specialized investigative tools such as polygraph tests and computer forensics to assist the Investigations Department. 2. Intelligence Division. Gathers and collects information to support the investigations of the Investigations Department.

C. *Corporate Affairs Department*

Obligation	*Integrated by:*
Deals with human resources, administration and finance issues.	Integrated by: 1. People Management and Development Division. Designs, reviews and implements human resource strategies. In addition, they are tasked with developing and building capabilities to meet CPIB operational requirements and to manage staff administration and operations. 2. Finance and Administration Division. It is responsible for the financial, procurement and asset affairs of the Office and provides various administrative services and support. Its role also includes taking care of infrastructure and facility development projects, as well as facilitating office maintenance.

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Obligation	*Integrated by:*
	3. Planning, Policy and Corporate Relations Division. It is responsible for the strategic planning, organization development and organizational excellence of the Office. In addition, this division conducts policy reviews and coordinates anti-corruption policy positions. At the international level, it leads the Office's participation in different international forums and plans the Office's international relations policies. As a public front for the Office, this division drives public education and anti-corruption outreach efforts and handles the agency's corporate relations matters. 4. Information Technology Division. Incorporates and leverages IT technology into Office operations to support its functions.

The CPIB defines corruption as: *Corruption is receiving, requesting or giving any gratuity to induce a person to do a favor with a corrupt intention*.[79] As noted, "give or ask" is the concrete action and, what is important, as a psychological element, is the corrupt "intention".

3. *Regulatory Framework for the Fight Against Corruption in Singapore*

In its "Preliminary" part I of the PCA (the Prevention of Corruption Act), numerals 1 and 2, it is highlighted how that Law should be cited, its interpretation, where it is defined what is meant by "agent", "Official of the CPIB", "director", "gratification", "investment funds", "members", "principal", "public body", "scheme", "service" and "special investigator".

Numeral II "Appointment and personnel matters", numerals 3 to 4, regulates the appointments of the director and officers of the Corrupt Practices Investigation Office, who are considered public servants; your retirement plan is established; the effects of bankruptcy and conviction on the benefit plan; and the scheme of investment funds.

Part III "Offenses and Penalties", numerals 5 to 14, mentions the punishment for corruption, thus typifying:

[79] Singapore Government, CPIB, Definition of Corruption, *https://www.cpib.gov.sg/about-corruption/definition-of-corruption.*

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> 5. Any person who by himself or by or together with any other person: (a) corruptly solicits or receives, or agrees to receive for himself or any other person; or (b) corruptly assigns, promises or offers to any person, whether for the benefit of that person or another person, any gratuity as an inducement or reward for, or otherwise on account of -(i) any person to do or not do anything with respect to any matter or transaction, actual or proposed; or (ii) any member, officer or officer of a public body who does or prohibits doing anything with respect to any matter or transaction, actual or proposed, in which such public body is concerned, shall be guilty of an offense and liable upon conviction to a fine not exceeding $100,000 or to imprisonment for a term not exceeding 5 years or both.

In addition, it contains the "punishment for corrupt transactions with agents", it also highlights aggravated penalties for public procurement cases; highlights the presumption of corruption in certain cases, also, in the case of accepting a gratuity despite not having the purpose of carrying out an act of corruption; corrupt bid withdrawal; bribing a member of parliament; bribing a member of a public body; economic sanctions additional to other penalties, and the recovery as civil debt of sums of money or bonuses when they have been granted in contravention of the law.

Section IV "Powers of arrest and investigation", numerals 15 to 22, highlights that the director or any special investigator may, without a court order, arrest any person who has been involved in any crime under this Law or against which a reasonable complaint has been made or credible information has been received or there is a reasonable suspicion that there has been interest. In this part, it is also allowed that the director and officers of the CPIB can use weapons; provisions are established on guarantees and bonds; investigative powers; special investigative powers; investigations authorized by the prosecution; the powers of the prosecution to authorize investigations into bank books; the powers of prosecutors to obtain information; and the powers of search and capture.

In part V "Evidence", numerals 23 to 25, the issue of inadmissible evidence stands out, by prescribing that in civil or criminal trials evidence will not be admitted to demonstrate that any gratification is customary in any profession, trade, profession or vocation; the evidence of resources or pecuniary assets; and the evidence of complicity.

Part VI "Miscellaneous", numerals 26 to 37, regulates the following aspects: "obstruction of search", "legal obligation to provide information", false statements, information, etc., "encouragement of crimes", "attempt" (attempt?), "conspiracy", "the offenses to be arrested"; "Proceedings that

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will be initiated with the consent of the prosecutor"; "the jurisdiction of the District Court to try crimes under this law"; "examination of criminals"; "informant protection", and "responsibility of Singaporeans for offenses committed outside of Singapore".

However, contrary to popular belief, corruption in Singapore has not been eliminated, corruption continues. In 1986, the then Minister of National Development, Teh Cheang Wan, was implicated in a case of bribing of a total of $1 million from two private companies for helping them retain and purchase state-owned land for private development.[80] In 1994 the CPIB investigated the case of then Deputy Chief Executive (Operations) of the Public Utilities Board (PUB) Choy Hon Tim, for criminal conspiracy and for accepting bribes totaling approximately $13.85 million.[81]

In 2009, the CPIB expanded its framework of action to other types of corrupt practices, called acceptable "industrial practices", as is the case of renowned chefs accepting bonuses in exchange for using products from preferred suppliers, or car workshops bribed vehicle inspectors to allow illegally modified vehicles to pass inspections.[82]

Currently, Singapore's success in fighting corruption is said to rest on four main pillars: i) effective laws with two key pieces of legislation to combat corruption: the Prevention of Corruption Act (PCA) and the Anti-Corruption, Drug Trafficking and Other Serious Offenses Act (Forfeiture of Benefits) (CDSA); ii) judiciary independent of political interference that imposes stiff fines and jails criminals; iii) an efficient public service that executes the law, with a Code of Conduct that establishes high standards of behavior based on the principles of integrity, incorruptibility and transparency. The CPIB is mandated to conduct procedural reviews for government agencies that may have work procedures susceptible to corrupt practices; and iv) the support of a strong political will and leadership, which built an "incorruptible and meritocratic government" and "a culture of zero tolerance against corruption".[83]

However, the costs of these measures could be considered excessive by democratic standards, as Lin Hongxuan and Jorge Bayona point out: Singapore also has problems, particularly regarding the lack of press freedom, the legislation criminalizing homosexuality, lack of limits on detention, as well

[80] Singapore Government, CPIB, Our Heritage, *cit.*, 1986.

[81] *Ibidem*, 1994.

[82] *Ibidem*, 2009.

[83] Singapore Government, CPIB, Singapore's Corruption Control Framework, *https://www.cpib.gov.sg/about-corruption/corruption-control-framework*.

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as precisely the mandatory death penalty for drug-related crimes. These are all reasons why Singapore could, and should, be criticized.[84]

Thus, Lee Kuan Yew is attributed the phrase: "If we had not intervened in people's lives, in who your neighbor is, how you live, what noise you make, when you spit or what language you use, we would not be where we are".[85] The foregoing seems to lead to the conclusion that the fight against corruption requires an authoritarian regulatory framework, in which human rights are sacrificed. However, the experience of Denmark, Norway, Sweden and Iceland shows that freedoms can be guaranteed and corruption combated at the same time.

As noted, the Singapore experience leaves us with the following lessons: i) adequate laws are required to deal with corruption; ii) those laws must be operated by a competent and incorruptible police force; iii) the jurisdictional bodies must sympathize with and support this struggle; iv) there must be a political will at the highest level of government to support this struggle. However, there are hidden negatives, the experience of Singapore shows us that the fight against corruption is at the cost of sacrificing freedoms. Nonetheless, the experience of our country —Mexico— at the present time shows that anti-corruption discourse can be used rhetorically to promote an authoritarian agenda. Thus, a general conclusion from these experiences in Mexico and Singapore is the need to confront corruption with the ethical-moral and legal tools of the State, without sacrificing human rights.

[84] Hongxuan, Lin and Bayona, Jorge, "La historia falsa en tiempos de la post-verdad: el caso de Singapur", *Revista Asia-América Latina*, Argentina, Year 2, Vol. 1, No. 4. Argentina, December 2017, p. 151.

[85] Salvá, Ana, "Las dos caras del éxito de Singapur. La ciudad Estado combina riqueza y un severo control de libertades en su 50º aniversario", *El País*, Singapore, August 10th, 2015, *https://elpais.com/internacional/2015/08/09/actualidad/1439155558_848900.html*.

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