

Accepted Manuscript

Title: On the Wrong Side of the Law – Causes and Consequences of a Corrupt Judiciary

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PII: S0144-8188(14)00019-2
DOI: <http://dx.doi.org/doi:10.1016/j.irl.2014.04.005>
Reference: IRL 5641

To appear in: *International Review of Law and Economics*

Received date: 2-3-2013
Revised date: 16-1-2014
Accepted date: 14-4-2014

Please cite this article as: Voigt, S., & Gutmann, J., On the Wrong Side of the Law ndash Causes and Consequences of a Corrupt Judiciary, *International Review of Law & Economics* (2014), <http://dx.doi.org/10.1016/j.irl.2014.04.005>

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On the Wrong Side of the Law – Causes and Consequences of a Corrupt Judiciary

Stefan Voigt*

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Abstract:

Empirical research on the determinants of corruption has made substantial progress over the last decade. To date, the consequences of different structures of the legal enforcement institutions have, however, only played a marginal role. This contribution deals with both the determinants of corruption in the judiciary and the consequences of judicial organization for corruption at large. Regarding the latter, it is shown that the actual independence of the judiciary as well as that of prosecution agencies is correlated with lower levels of corruption. This is also true for a third indicator that measures the degree to which judges are held accountable for their decisions (“judicial accountability”). Furthermore, independence and accountability function as complements in preventing corruption – judicial accountability without independence appears to be ineffective, whereas judicial or prosecutorial independence alone can even have adverse effects.

Key words: Corruption, Judiciary, Judicial Independence, Prosecutorial Independence, Judicial Accountability.

JEL Classification: K42, P51.

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The authors thank Mohamed Abubakr, Israa Adel, Nora El-Bialy, Asmaa Ezzat, Marwa Mamdouh, Agnes Strauß and Rasha Takei-Eldin as well as the participants of the 8th International Gottfried von Haberler Conference and the Italian Society of Law & Economics Annual Conference 2012 for helpful comments and suggestions. Stefan Voigt thanks the Notre Dame Institute for Advanced Study where his stay as a Distinguished Guest Fellow enabled him to finish his part of the paper.

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