



# The profile and detection of bribery in South Korea

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## Abstract

Bribery, including its various forms such as political contributions and gift-giving in return for favourable treatment in government tenders, present a challenge for law enforcement authorities around the world. While bribery undermines the well-being of people, the rule of law, and harms market competition around the globe, the vast majority of white-collar-crime research is Western focused. This paper is the first significant analysis of the profile and detection of bribery involving perpetrators convicted in South Korea. Based upon a sample of 174 cases involving 198 convicted individuals collected through searches of the media and other relevant sources, we explore the profile of both bribe payers and bribe takers. The paper finds that South Korean prosecuted bribers are predominantly male public administrators involved in cases with the monetary value associated with bribery within the \$10,000 to \$99,999 range. The South Korea policing authorities predominantly focus on policing bribery of their public administrators and there is only limited evidence that they are able to do the same on the supply side of bribery, and against their own corporations. Unlike in other countries such as the UK and Norway, the South Korean enforcement landscape is associated with higher prison sentences and monetary sanctions, and a high degree of secrecy with laws mandating a rapid destruction of case files, and therefore a very limited publicly accessible information about the detection source. The paper contributes to the economic criminology literature by offering insights into the characteristics of bribery in South Korea and South Korean anti-bribery response in a rarely researched area.

**Keywords** Bribery · Profiling · Detection · Enforcement · South Korea

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## Introduction

Corruption is associated with fundamental societal inequalities which limit sustainable development, distort market competition, and undermine the rule of law (Rose-Ackerman, 1999; Pasculli & Ryder, 2019; Salati et al., 2024). As a consequence of inequality, those in positions of power might create and legitimise laws and institutions that promote the interests of elites and disproportionately disadvantage other groups (Hock, 2022; Messy, 2024). One key form of corruption is bribery. Bribery takes petty forms including small exchanges between low ranked government officials and others who corruptly attempt to obtain jobs, licences, and other undue advantages (Gottschalk, 2014; Romero, 2024). And there is high-level bribery involving massive exchanges such as major government tenders being procured to ill equipped bidders (Lord, 2013; Zakari & Button, 2022).

Key response to the problem of bribery is enforcement of criminal laws, including its detection, investigation, and prosecution (Garret, 2016; Lord & Levi, 2015). Significant research has been undertaken on how international conventions such as the United National Convention against Corruption (UNCAC) and the Organisation for Economic Cooperation and Development (OECD) Anti-Bribery Convention have been effective in influencing national anti-bribery laws across the globe (Rose, 2015). Others have thoroughly examined why countries refrain from taking domestic forms of corruption, bribery and other economic crimes seriously (Button et al., 2022; Lord et al., 2020). There is also increasing research on how international forms of bribery are being policed extraterritoriality and by alternative means of justice such as negotiated settlements (Hock & Barrett, 2022).

Yet, very little research has been undertaken on how cases of bribery are uncovered. Notable works include the OECD's research of 263 foreign bribery schemes which have been investigated, prosecuted and reached a final law enforcement outcome for the specific crime of bribery of foreign public officials in international business transactions (OECD, 2017: 11). This report found that self-reporting was a key information source in 22% of cases, while in 55% of cases, the detection source was unknown. Information from whistleblowers was the source in only 2% of the cases as was from media (OECD, 2017: 10). By contrast, Andresen and Button (2019) examining the profile and detection of bribery in Norway and England & Wales found that 29% cases in England & Wales were recorded as detected by a 'whistleblower' and only 15% in Norway. Interestingly, while more than 10% of cases were detected by law enforcement in England & Wales, detection of bribery by law enforcement bodies in Norway is practically non-existent (ibid.; Gottschalk, 2023). It is true that such divergent findings might owe to sample selection, analytical techniques, but they clearly indicate a high level of diversity in the detection of bribery across countries and forms of bribery.

This paper builds upon the previous research on detection of bribery and investigates for the first time the profile and detection of bribery involving people convicted in South Korea. In the wake of the adoption of new Korean anti-corruption laws such as the Improper Solicitation and Graft Act and several high-profile bribery cases (You, 2015), South Korea is an important case study of bribery detection. In this context, a descriptive analysis of the profile and detection of bribery in South Korea will

provide a modest contribution to the emerging discussion on the level of diversity in this space and how to improve law enforcement. More generally, the paper links to a more general gap in research associated with an assumption that detection and punishment make bribery less prevalent (ACFE, 2024). The knowledge about which cases of bribery are detected and the profile of those prosecuted for bribery outside the Western law enforcement landscape adds to a more general discussion on how to respond to white-collar-crime effectively, and help theorise about which cases of bribery remain under-policed (OECD, 2017).

The remainder of this paper is structured as follows. The first section provides a background information on bribery policing in South Korea and illustrates key bribery cases in South Korea. The second section provides methodology before the findings of case analysis are presented. Finally, we provide a conclusion.

## Korean Bribery Landscape

As an economic powerhouse with a technological edge and important conglomerates, South Korea has been perceived as a less corrupt country, scoring 31st in an influential Transparency International Corruption Perception index (Transparency International, 2023). Yet, South Korea has been criticised by international organisations such as the OECD for gaps in its anti-bribery legislation and the lack of enforcement (OECD, 2018 and, 2021). In the wake of the adoption of the South Korean Improper Solicitation and Graft Act (ISGA) and other new anti-corruption legal instruments (Rask, 2017), South Korea has recently concluded several high-profile bribery cases involving highest level Korean officials (You, 2015).

These legislative tools in South Korea largely implement international anti-bribery norms. It is well documented that the formation of international anti-bribery norms has been significantly influenced by the Western Bias, stressing individualistic characteristics of the Western culture (Spalding, 2010). In this context, South Korean culture is oriented towards the collective group, and a pyramid-structured hierarchical social system, in which cultural norms have historically favoured certain bribery practices (Jun, 1996). The importance of reciprocity for maintaining a positive social relationship alongside the practice of providing gifts as an expression of one's loyalty to another, provides a unique context of how perpetrators might engage in bribery. These dynamic legislative and policing developments taking place outside the traditional Western-based cultural background, make South Korea an important case study of the profile and detection of bribery.

## Korean anti-bribery laws

The legislation in South Korea provides different definitions of bribery spread across multiple statutes. The most recent law, ISGA, took effect in September 2016. According to Article 1, the ISGA aims to ensure that public officials perform their duties in a fair manner and to secure public confidence in public institutions, by prohibiting any improper solicitation made to public officials. According to the OECD (2018: 22), the ISGA 'has mobilised the attention of both public and private sectors on domestic

corruption issues.’ The ISGB prohibits improper solicitation by enumerating 14 areas prone to bribery, including licensing/permission, administrative actions/punishment and commutation, disclosure of duty-related confidential information, etc., that no person shall make to any public official. Moreover, Article 8 of the ISGA also prohibits its passive bribery stating that:

No public servant, etc. shall accept, request, or promise to receive any money, goods, etc. exceeding one million won at a time or three million won in a fiscal year from the same person, regardless of any connection to his/her duties and regardless of any pretext such as donation, sponsorship, gift, etc.

The ISGA fills the gap of a much broader set of anti-bribery laws available to South Korean law enforcement authorities. Most notably, the ISGA co-exists with traditional criminal statutes, including:

- The South Korean Criminal Act (September, 19, 1953). The Criminal acts only covers traditional types of bribery involving money and goods, but does not cover a broader spectrum of value that can be provided in a bribery exchange. The Criminal Act also generally provides only up to five years’ imprisonment or relatively low fines.
- The Act on the Aggravated Punishment of Specific Economic Crimes (December, 31, 1983). The Act on the Aggravated Punishment expands the range of economic crime according to the amount of profits which have been acquired by economic crimes. Most importantly, this Act provides for the aggravated punishment when the amount of profit obtained by those economic crimes exceeds W500 million (\$369,000 in May 2024) or more. The offenders shall be punished by imprisonment for life or not less than five years. There is no fine penalty (see Tae-Hoon, 2000).

Unlike the ISGA, the Criminal Act and the Aggravated Act cover a limited spectrum of actors who can be bribed and excludes media companies, educational corporations, and public-service related private organisations. Another crucial feature of the ISGA is that it is not limited to cases in which it is possible to prove an exchange for a favour related to the official duties of an official, which is an important limitation of the Criminal Act (Anti-Corruption & Civil Rights Commission, 2017: 9). Besides, the ISGA and the two traditional criminal law acts, numerous other acts, such as the Protection of Public Interest Whistleblowers and the Political Funds Law, are relevant for policing bribery in South Korea. The Political Funds law, for example, aims to ensure the proper provision of political funds, to disclose the details of the income and expenditure to secure transparency, and to prevent corruption related to political funds.

Furthermore, South Korea is a signatory country of the OECD Anti-Bribery Convention and implements its key provisions in the Koreans Act on Preventing Bribery of Foreign Public Officials in International Business Transactions (FBPA). The FBPA criminalises the bribery of foreign public officials, including for example bribes of

Korean businesses provided to Indonesian government officials in order to obtain or retain business.

The complexity of the South Korean anti-bribery legislative landscape indicates that multiple agencies are involved in the investigation of economic crime and bribery. Here, the police are always of particular importance because they are the gatekeepers of the criminal justice system, including the power to arrest, to conduct searches and to access information (Lewis et al., 2014: 4). In South Korea, the primary enforcement responsibility for bribery offences lies in the National Policy Agency and the Prosecutors' Office. When corruption is concerned, the Prosecutors' Office operates through an Anti-Corruption Department and three specialised anti-corruption divisions (Supreme Prosecutor's Office Republic of Korea, N.D.).

## Cases of bribery in South Korea

The complexity of South Korea anti-bribery law follows the complexity of bribery forms. At the highest level, we know about grand bribery involving political elites and powerful interest groups. Such bribery schemes are extremely difficult to crack and might include, for example, various privatisation programmes and manipulation of public spending to corruptly enrich people in the position of power and those that support them (Dávid-Barrett & Fazekas, 2019).

Grand bribery and other forms of high-level corruption are well documented in South Korea. Since 1987, every administration has faced issues associated with grand corruption (You, 2015). Many of those high-level schemes involve corrupt deals between political leaders and *chaebol*s, large private business conglomerates. Consider, for example, the scandal surrounding president Park Geun-hye who was impeached, prosecuted, sentenced, and consecutively pardoned for receiving donations and benefiting from chaebol slush funds among other charges (Shin, 2020; BBC, 2021).

Many of the grand bribery schemes include foreign government officials and South Korean corporations. Consider the 2022 case of the largest South Korean telecommunications operator, KT Corporation, which agreed to pay \$6.3 million to US Securities and Exchange Commission to resolve charges that it violated the US Foreign Corrupt Practices Act (FCPA). According to the SEC's order, the KT Corporation failed to maintain adequate internal controls to prevent bribery associated with charitable donations, third-party payments, executive bonuses, and gift card purchases for the benefit of government officials in South Korea and Vietnam (SEC, 2022). The South Korean authorities have also started their own investigation of the KT Corporation and 14 executives (ibid.).

The OECD reported that the South Korean authorities have been very passive in policing foreign bribery cases and the majority of foreign bribery cases in South Korea were brought to the attention of law enforcement authorities by foreign authorities or through reports or complaints from business partners or competitors (OECD, 2018 and, 2021). For example, no notable action from the South Korean authorities has been taken in the Samsung Heavy Industries, in which a South Korea-based engineering company agreed to pay total penalties of more than \$75 million to resolve

the US Department of Justice investigation arising out of a scheme to pay millions of dollars in bribes to officials in Brazil to obtain a lucrative shipbuilding contract (DOJ, 2019).

## Methodology

The idea behind this project was to provide basic descriptive data on the profile of bribery cases in South Korea. South Korea has experienced dynamic changes in its anti-bribery legislative and policing landscape, which makes it an interesting case study feeding into a broader research on a profile and detection of bribery. Investigating only one country naturally has its limitations as regards finding international trends. Nevertheless, when the results are analysed in the light of other studies they can prove to be useful for the development of successful policies both in South Korea and in other countries.

This objective was achieved by undertaking a content analysis of bribery cases resulting in a conviction in South Korea. We used a nonprobability sampling, and the whole population comprised bribery cases resulting in a conviction. Our searches, limited to items published between 2000 and 2022, identified 174 cases involving 198 convicted persons, including both individuals and organisations. The data were obtained from the 'LAWnB' database, a well-respected private resource containing South Korean legal resources which can be searched in Korean. The database contains court reports, administrative data, articles from law journals and newspapers, e-books and directories. In addition, we considered grey literature to find additional data and to confirm what was found in LAWnB.

The coding mechanism employed in this study was partly adapted from Andresen and Button (2019) and from some commonly used standards. The researchers tried to limit as much as possible any bias which is commonly associated with the content analysis of media sources by undertaking the analysis of additional sources when possible (Bryman, 2008: 291). Still, this type of analysis inherently suffers from the bias in the selection of cases, and as researchers we had to make judgements about the evidence in each case in order to decide if the case should be included.

The method of analysis for this study involves a systematic examination of the collected data from the 174 bribery cases resulting in convictions in South Korea. This analysis is multifaceted, encompassing various dimensions of each case, including the modus operandi of bribery, the individuals or entities involved, the sectors where bribery is prevalent, the legal consequences and penalties imposed, and any discernible patterns or trends over time. The statistical exploration encompasses various descriptive statistics involving the computation of central tendency measures, including means and medians, to capture the average characteristics of these cases. Additionally, dispersion measures such as standard deviations are applied to grasp the extent of variability within the dataset.

It must be acknowledged that because of the complex nature of South Korean anti-bribery legislation, the number of the whole population of cases involving bribery and resulting in a conviction in South Korea remains unknown. This is for the following main reasons:

1. Because of the complex nature of some economic crimes such as bribery, policing authorities in some bribery cases might qualify the underlying conduct as, for example, money laundering or accountancy law violations. It is hard to evaluate such cases from the outside and such discretion necessarily affects what cases are brought and could be studied.
2. The South Korean enforcement landscape is associated with a high degree of secrecy with laws mandating a rapid destruction of case files when a penalty is less than three years in prison, and therefore a very limited publicly accessible information about some bribery cases.
3. Some bribery cases like those involving military persons might not be available in open databases. In South Korea, military court decisions are limited in scope, unlike decisions of regular courts. This is due to the specialized nature of military courts and the need to protect sensitive information such as military secrets and military operations.
4. Moreover, given the hidden nature of bribery, it is not possible to evaluate to what extent the population studied in this project is representative of bribery cases in general.

Based on the wide range of sources, nevertheless, it can be assumed that the sample is likely to include the majority of cases resulting in a conviction. This limitation is common to any examination of crime incidents and if someone else did the same searches and used the coding manual, they would find the same sample of cases and identify the same characteristics as in this research (Krippendorff, 2013: 24), which makes the research reliable and objective (Robson, 2011: 85).

### **Prior studies on convicted case files**

The methodology employed in this study has been used in other criminological studies, such as an examination of stranger child abduction in the UK (Collie & Greene, 2017) and the profile and detection of bribery in Norway and England & Wales (Andresen & Button, 2019). Similarly, to these studies, this study uses the media and publicly accessible court documents as sources to find objective information, as opposed to analysing how a subject is presented by the media. This indicates that the research is based on a positivist tradition in criminology, assuming there are some 'universals' in the justice system.

More generally, our approach links to many studies on convicted cases files. Prior research on convicted offenders includes studies employing a straightforward document analysis of case files. For example, studies related to romance scams (Soares & Lazarus, 2024) and cryptocurrency fraudsters (Garba et al., 2024) have extracted robust information from sensitive case files made available by law enforcement authorities. Other studies have been complemented a case file analysis by data collected from, for example, interviews with involved investigators (Lusthaus et al., 2024). Such techniques are particularly important when studying countries where there is not as strong a tradition for data sharing by law enforcement for academic

purposes, or if more complex analysis of socio-economic context is aimed at (see *Ibid*).

## Results and discussion: the profile of bribery cases in South Korea

Overall, we found that a typical convicted bribery case in South Korea includes male public officials in their 60s, and involved in cases with the monetary value associated with bribery within the \$10,000 to \$99,999 range. The South Korea policing authorities predominantly focus on policing bribery of their own public officials, including police officers, prosecutors, judges, and public administrators, and there is only limited evidence that they are able to do the same on the supply side of bribery, and against their own corporations. South Korean information space is conservative in disclosing information even about a person who is convicted and important details about convicted cases are being destroyed shortly after the conviction thanks to South Korean destruction of case files laws.

### The prevalence of individual criminal convictions of public officials

When we look at the descriptive statistics more broadly, we see that from all those convicted, only 4 of 198(2%) convicted persons were female and beside 100 of 198 unknown, the rest of 94(47.5%) were male. When it comes to the age of those convicted, '60s' was the largest while 'more than 80s' was the smallest. The average age of those convicted at the time of conviction was 59.1 years. This indicates bribery in South Korea is an older person's type of crime, compared to other countries. Andersen and Button (2019) found the average age of those involved in bribery to be 43.3 years in England and Wales, and 51.1 years in Norway. A wider study of white collar offenders globally by Bussman and Werle (2006) found 40 was the average age. It must be noted that information was unknown for 100 of 198 in the gender category and for 49 of 198 in the age category. It shows that South Korean information space is conservative in disclosing information even about a person who is convicted.

Table 1 below categorises the bribery cases by the direction of the transactions, shedding light on the pathways through which bribery manifests within South Korea. We can see that a vast majority of the cases, 83.8%, are characterized by bribes flowing from private entities to public officials. This underscores a systemic vulnerability where private interests manage to infiltrate public decision-making processes. Conversely, the instances of bribery occurring from public to public, private to private, and public to private sectors, though much less prevalent, illuminate the multifaceted nature of bribery as a corrupt practice that transcends simplistic categorizations. This

**Table 1** Number of cases divided by the direction of the bribe

Direction	Number of cases	Percent
Private to Public	166	83.8
Public to Public	20	10.1
Private to Private	11	5.6
Public to Private	1	0.5
Total	<b>198</b>	100



**Table 2** Top sectors of bribery

Sector	Number of cases	Percent
Financial	4	2
Public administration	116	58.59
Law enforcement	46	23.23
Defence/military organisation	7	3.54
Education	6	3.03
Consulting	5	2.53
Media	3	1.52
Telecommunication	2	1.01
Other private entities	9	4.55
<b>Total</b>	<b>198</b>	<b>100</b>

**Table 3** Number of convictions by category of the value of the bribe

Value of bribe	Number	Percent
Less than \$1000	8	4.0
\$1000~\$9999	37	18.7
\$10,000~\$99,999	88	44.4
\$100,000~\$999,999	40	20.2
More than \$1,000,000	12	6.1
Unknown	<b>13</b>	6.6
<b>Total</b>	<b>198</b>	

indicates that bribery is not confined to the interaction between the private and public sectors but can also permeate within and between these sectors in varied forms. Comparatively, South Korea features a significant number of “public-to-public” bribery cases (10.1%) whereas these types of bribery have not been prosecuted neither in England/Wales nor in Norway (Andresen & Button, 2019). Moreover, South Korea features significantly less prosecutions of “private to private” bribery than the said jurisdictions (Norway 59% of cases and England and Wales 29% of cases)(*ibid.*). While in the majority of cases the bribes were channelled from the private sector to the public sector, Table 2 below indicates that the South Korean enforcement authorities predominantly prosecute public officials. The data from Table 2 highlights individuals from public administration, accounting for 59.59%, and law enforcement, accounting for 23.23%, are the primary sector professionals prosecuted for bribery in South Korea. This significant concentration within public administration and law enforcement underscores a pronounced vulnerability to bribery, pointing to systemic issues within governmental operations that facilitate such practices. At the same time, the findings clearly indicate that the South Korean criminal justice system prioritises the prosecutions of public officials and bribe-takers. The involvement of diverse sectors such as education, defence, consulting and media further illustrate the pervasiveness of bribery across various facets of society, each bringing unique challenges to the forefront of anti-corruption efforts.

Furthermore, the analysis of Table 3 below offers a detailed examination of the monetary values associated with bribery convictions, revealing distinct patterns in the financial dynamics of such offences within South Korea. At the lower end of the spectrum, bribes under \$1,000, accounting for a modest 4.0% of the cases, indicate that while minimal-value transactions do occur, they are relatively infrequent within

the overall landscape of bribery convictions. The category encompassing bribes from \$1,000 to \$9,999, representing 18.7% of the sample, highlights a significant segment of bribery transactions that occur at a more modest scale.

A pivotal finding is the concentration of 44.4% of bribery cases within the \$10,000 to \$99,999 range. This segment underscores a strategic preference for mid-level financial transactions in bribery, suggesting that such amounts are likely calibrated to optimise the intended influence or advantage while minimising the risk of attracting regulatory or legal attention. The prevalence of cases within this range indicates a critical focal point for both the execution of bribery schemes and the targeting of anti-corruption measures. Higher-value bribes, ranging from \$100,000 to \$999,999 and constituting 20.2% of the cases, together with those exceeding \$1,000,000, which account for 6.1%. And a portion of the cases (6.6%) fall into the ‘Unknown’ category, where the value of the bribe could not be ascertained.

### The South Korean legislative landscape and consequences of prosecutions

The South Korean anti-bribery laws allow South Korean authorities to apply multiple statutes in order to convict perpetrators. Table 4 below categorically outlines anti-bribery legal instruments and their respective percentages, shedding some light on the legal intricacies prevalent in the South Korean criminal justice system.

Table 4 above shows that the ‘South Korean Criminal Act’ was the largest in the sample, accounting for 59.1%. The ‘Specific Crime Aggravated Punishment Act’, applied in criminal cases with higher amounts of profits which have been acquired by fraud, embezzlement and breach of trust, contributing with 24.5% of the convictions. We also see an increasing number of cases based on ISGA, amounting to 10.1% of cases. This is significant, considering ISGA took effect only in September 2016.

It must be noted that we have also identified 13 cases of bribery prosecuted under the FBPA but they were not included in our data set as they were observed in the OECD reports only and concern primarily corporations. Furthermore, we have not included corporate bribery regulatory cases, as our focus was on prosecuted cases of individuals. For example, the Fair Trade Commission (FTC) in South Korea, which can levy significant fines for unfair trade practices including bribery, is not a prosecution authority. They can refer cases to the Prosecution Agency for further investiga-

**Table 4** Number of convictions by key legal instruments

Type of offence	Number of convictions	Per-cent
South Korean Criminal Act	123	59.1
Specific Crime Aggravated Punishment Act	51	24.5
Political Funds Law	9	4.3
Improper Solicitation and Graft Act (ISGA)	21	10.1
Foreign Corrupt Practices Act (US enforcement)	4	1.9
Total	<b>208</b> (some cases included more than one legal instrument)	

**Table 5** Number of cases by the category of who detected the crime

Detected by	Number of cases	Percent
Law enforcement - domestic	12	6
Law enforcement - foreign (US)	4	2
Victim's report	1	0.5
Unknown	181	91.5
<b>Total</b>	<b>198</b>	

tion and prosecution which they, however, rarely do. There are other similar cases, such as against some important Pharma companies such as Novartis, which are, however, rare.

We also identified 4 cases of foreign enforcement with the United States 'Foreign Corrupt Practices Act' representing 1.9% of cases. While this is a small number overall, it is important to note that the US enforcement against South Korean corporations represent a large number of overall prosecutions of large cases of corporate bribery, which are largely absent in the context of Korean policing. The OECD has repeatedly urged the South Korean authorities to 'urgently take measures to improve detection of foreign bribery and achieve stronger enforcement of its anti-bribery legislation' against corporations (OECD, 2018). While grand bribery schemes have been illegal for many years in a domestic context, international, or foreign, forms of high-level bribery have been largely neglected. We see only recently how seemingly domestic *chaebol* corruption schemes attract the attention of major foreign enforcement authorities. If anything, the priority has been relatively small-scale bribery of domestic government officials. But even when petty bribery is concerned inadequate legislation along with the complexity of investigation and prosecution of bribery and economic crimes have prevented many to face justice.

The South Korean bribery cases resulted in either suspended (51 cases) or unsuspended imprisonment (112 cases), and/or monetary fines (150 cases). For the whole sample, the average number of months in prison was 38, this is significantly more than in England & Wales (25 months) and Norway (21.5 months) (Andresen & But-ton, 2019). The average monetary fine was \$278,285. These findings do suggest that the sanction level is not only higher than in England & Wales and Norway, but also overall higher compared to other white-collar-related offences such as fraud (Levi, 2010).

### The detection source and Secrecy of South Korean Case Data

The analysis of Table 5 uncovers nuanced dynamics in the detection of bribery cases, underscoring the pivotal yet underexplored roles of various entities. Law enforcement's role in detecting 8.1% of cases signals its foundational yet potentially underutilised capacity in identifying bribery. The notably scarce incidence of victim-reported cases, constituting just 0.5%, highlights the pressing need for more supportive and secure mechanisms to foster reporting from victims.

A critical aspect illuminated by the data is the overwhelming prevalence of cases with unspecified detection methods, representing 91.4% of the total. This dominance of cases with unknown detection origins reflects a major feature of the South Korean culture and its legal system. The Act on Management of Public Documents pro-

vides specific rules for the destruction of case records after a specified period, which depends on the type and the severity of the sanction imposed for the offence (OECD, 2011: p. 11).

In effect, we see a significant gap in the documentation and transparency of how bribery cases are uncovered. It suggests that contributions from indirect detection mechanisms, such as whistleblowers, internal audits, and media reports, are not adequately recorded or acknowledged. Moreover, the conservative nature of Korean media regarding the disclosure of sensitive information further complicates the visibility of detailed case information. Media outlets, often hesitant to publish comprehensive details unless corroborated by legal documents, contribute to the challenge of recognizing and understanding the full scope of bribery through public channels. An apparent lack of transparency associated with policing bribery cases in South Korea, alongside its dominant focus on bribery of public officials might have also facilitated the disclosure of large cases of corporate bribery in South Korea to foreign authorities offering rewards to foreign whistleblowers, a phenomenon known as foreign whistleblowing (Karpacheva & Hock, 2024; SEC, 2021).

## Conclusion

This paper provides foundation data on the profile and nature of bribery in South Korea. It fills a gap of white-collar-crime scholarship, which has produced largely Western focused findings, neglecting the Far East and other parts of the world. The paper finds that bribery is a widespread phenomenon in South Korea, and it varies in its profile and detection. The research has utilised a methodology based upon open source reports in the public domain, which has been inspired by previous research undertaken in the UK and Norway, and could be replicated further in other countries and for other types of white-collar crime (Andresen & Button, 2019).

Based on a sample of 198 cases from South Korea, this research found that there was a great variation between the cases, in terms of both severity and complexity. The overall picture is that unlike in some Western countries, in the majority of South Korean cases, the South Korean enforcement authorities predominantly prosecute public officials, including the police officers, public administrators and politicians, including some cases of public-to-public bribery. On the other hand, there is only limited evidence that South Koreans are able to do the same on the supply side of bribery, and against their own corporations, which has been a dominant focus of the Western discourse (Lord et al., 2020).

A typical convicted bribery case in South Korea includes male public officials in their 60s, and involved in cases with the monetary value associated with bribery within the \$10,000 to \$99,999 range. The bribers were sentenced to the average number of 38 months in prison with the average monetary fine \$278,285. These findings do suggest that the sanction level is not only higher than in England & Wales and Norway, but also overall higher compared to other white-collar-related offences such as fraud (Levi, 2010).

General limitations of this project are similar to those of previous studies (Andresen & Button, 2019). Although the paper includes historical data, our ambition was

to learn something new about the present situation. During the period 2000–2020, the South Korean legal system experienced significant changes, including introduction of new statutes against bribery. The international legislative landscape has also significantly evolved. Another limitation of our sample is that it does not contain the vast majority of corporate bribery cases as the majority of such cases resulted in only a civil recovery order or a fine for an organisation. Many of such cases are covered by anti-money laundering regulations or South Korea antitrust laws. For instance, some cases of corporate bribery are labelled and policed as “unfair business practice” rather than “bribery”. The future research should attempt to conceptualise this complexity and explore the world of corporate bribery in more detail than this paper. An inspiration may be some methodologies employed in a growing body of studies on convicted case files in the area of cybercrime and economic crime (Garba et al., 2024; Lusthaus et al., 2024; Soares & Lazarus, 2024).

A critical aspect illuminated by the data is the overwhelming prevalence of cases with unspecified detection methods, representing 91.4% of the total. This is a feature of the South Korean culture and values embedded in its legal system, which requires important details about convicted cases to be destroyed shortly after the conviction. This scarcity of information is further supported by the South Korean information space being conservative in disclosing information even about a person who is convicted. This is an important difference from the Western countries in which the media seem to have a more active role in the detection of bribery cases. If the aim is to detect more cases of bribery, more should be done in order to encourage people to bring their concerns forward and provide more information about existing cases of bribery. A remaining question is who they should report to. There is evidence of foreign enforcement activity and foreign whistleblowing supplementing the secrecy of the South Korean policing landscape and relative inactivity of South Korean authorities in prosecuting private actors in this space.

**Author contributions** All authors contributed to the study conception and design. Material preparation, data collection and analysis were performed by HP and JO. The first draft of the manuscript was written by BH, and all authors commented on previous versions of the manuscript. All authors read and approved the final manuscript.

**Data availability** The data that support the findings of this study are available on request from the corresponding author.

## Declarations

**Ethical approval** Not applicable.

**Informed consent** Not applicable.

**Research involving human participants and/or animals** Not applicable.

**Competing interests** The authors have no competing interests to declare that are relevant to the content of this article.

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