



Border Corruption: A Unique Form of Law Enforcement Corruption

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Abstract

Aim: Border corruption is a distinctive form of corruption conducted by law enforcement officers. It happens at the border, in a specific area between nation-states, making its spatial characteristics particularly interesting. The organizational features related to the law enforcement agencies involved in border corruption, as well as the organizational environment and the social context within which it occurs, also make it different from other forms of corruption. Synthesizing the relevant interdisciplinary literature, this paper aims to offer a general conceptual framework for border corruption. It discusses the unique characteristics of the phenomenon as well as the key factors enabling law enforcement corruption in border security agencies.

Methodology: Critical literature on border corruption was selected and integrated into a coherent framework.

Findings: Border corruption may involve different actors (individuals, firms, and informal groups) on the bribe-giver client side; each indicates a different type of corrupt transaction. Corruption at the border can be based on collusion, voluntary and mutually beneficial participation, or coercion, when one party is forced by the other to participate. The opportunity aspects enabling this corruption can be classified as macro, regional, and organizational level factors. The motivation of law enforcement officers to engage in border corruption can be explained by utilitarian, normative, and relational perspectives.

Value: Although border control agencies are especially prone to corruption, this type of corruption is relatively understudied in the academic literature.

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Revealing the key features and the phenomenon's main explanatory factors is crucial to fighting against it. This article provides an essential framework for scholars and practitioners to understand border corruption better.

Keywords: corruption, bribery, border control, law enforcement

Introduction

Border corruption is a unique form of corruption. It happens in border areas; thus, its spatial characteristics are particularly noteworthy. It also involves employees in border security agencies. Hence, organizational features related to the agency, its organizational environment, and its social contexts also make it different from other forms of corruption. However, there is also a variation in border corruption cases. We can distinguish between different types based on the characteristics of the actors on the client side (individual, informal group, formal organization) and the corrupt exchange's collusive/coercive nature (Jancsics, 2019a). Synthesizing the relevant interdisciplinary literature on border-related corruption, this article offers a conceptual framework that provides a concise understanding of its main features, typical forms, and the key factors explaining why this unique form of corruption occurs.

Distinctive Characteristics of Border Corruption

Border control agencies are typically responsible for securing the border and collecting revenues. They keep undesirable goods and individuals out of the country and collect tariffs and taxes on allowed goods (Doyle, 2011). At official points of entry or border stations, authorities accommodate customs, immigration, and control-related activities to achieve these goals (Zarnowiecki, 2011). The border areas between ports of entry are typically patrolled by law enforcement officials to prevent illegal border crossing. In some nations, border management tasks are assigned to a specialized agency, for example, the U.S. Customs and Border Protection, while in other countries, these functions are carried out by different authorities such as police, military, tax, or immigration agencies.

Border corruption is a set of illegal practices determined by the existence of a border. Using the general resource transfer approach to corruption (Jancsics, 2019b), it can be defined as an illegal exchange of different resources between

two or more actors - (bribe taker) border officer(s) and (bribe giver) client(s) - who may be individuals, firms, or organized crime groups (Jancsics, 2019a). Border corruption facilitates the illegal physical movement of goods and people from one country to another through the engagement of official government personnel. The most typical example is when a client bribes a border security agent in return for selective enforcement of the law at a port of entry. Yet, there are other valuable resources border agents can “sell” to corrupt clients; for example, they can provide information about the locations of sensors, advise criminals of the operation status of investigations, or enter fraudulent information about the identity of drivers and passengers into records. In some cases, officials actively participate in crime by escorting smugglers, helping load vehicles with drugs, or even smuggling the drugs in their own car (Jancsics, 2021).

It is essential to distinguish border corruption from similar or neighboring activities. Smuggling or human trafficking that does not involve border agents does not fall in the category of border corruption. Illicit international financial flows such as tax evasion, money laundering, or terrorist financing do not require physical border crossing and thus are not qualified as border corruption. Furthermore, criminal activities within border administrations, such as nepotism, employee theft, fraud, and embezzlement that are not border specific and may occur in any government agency are not part of this analysis.

In border corruption, the bribe-taker agents are typically border law enforcement officers. Nevertheless, other government employees who work far from the border but can access sensitive border-related security data (e.g., intelligence activity or names of wanted individuals) may be bribed by actors interested in such information (Frost, 2010). On the bribe-giver client side, we can find three types of actors: (1) individuals, (2) firms, or (3) informal groups, for example, family networks or organized crime groups.

As mentioned above, border-crossing individuals usually bribe an officer to selectively enforce the law and overlook expired documents, overstay in a country, or small-scale smuggling of consumer goods, such as alcohol, cigarettes, or gas. This is often an impromptu, impersonal, one-time transaction where a person tries to bribe whoever is on duty. In many cases, export/import firms or other companies moving their goods across borders are the clients of border corruption. Here a whole formal organization is the primary and direct financial beneficiary of the illegal transaction (Jancsics, 2019b; Pinto et al., 2008; Wheeler & Rothman, 1982). For instance, truck drivers or other representatives of a company may bribe a border officer to overlook overweight vehicles or undeclared goods; authorize under-invoiced goods; speed up or skip inspection;

permit traders to claim drawbacks for fictitious exports; issue import licenses or warehouse approvals without proper justification; or accept fraudulent Value-Added Tax (VAT) refund claims (Dutt & Traca, 2010; Ferreira et al., 2006; Michael, 2012).

Sometimes, on the client side, we can find several connected individuals, an informal group. Border law enforcement agents may help people from their social networks, such as family members or friends, conduct illegal activities. For example, travelers on the Belize–Mexico border with a close personal connection with customs officers regularly entered or left a country with undeclared or underdeclared goods in their personal baggage (Wiegand, 1993). In another case, a U.S. Customs and Border Protection officer in El Paso, Texas, conspired with his wife and brother-in-law in a drug trafficking ring (Cobler, 2016). The informal group on the client side can also be an organized crime network. Thus, border corruption is often directly linked to the activities of crime syndicates, which is rarely the case in other forms of corruption. Smuggling and human trafficking are extremely risky. Since organized crime groups prefer long-term, uninterrupted operations, they actively target border law enforcement agents to assist with their illicit transport and thus reduce the risk of being caught by random inspections (Jancsics, 2021). Border corruption can be either collusive or coercive (Jancsics, 2019a). Collusion refers to cases where both actors on each side of the corrupt transaction are more or less equal players who benefit from the transaction. At the same time, in coercive corruption, one party is forced by the other to participate. Since border agents have broad discretion in the physical movement of people or goods, they can extort clients and demand bribes for made-up offenses such as allegedly missing documentation, forms, or signatures. Another typical example of coercion is when officers deliberately slow down the inspection process and return to the normal pace only if they receive a bribe from the traveler (Ndonga, 2013; Wickberg, 2013). However, in some cases, coercion may come from the criminal group on the client side. These groups often exploit officers' alcohol or drug abuse or blackmail them following exposed infidelities (Jancsics, 2019a). Border agents can even be threatened with physical violence by organized crime to allow them to conduct their illicit cross-border activities (Bergin, 2023). When faced with such a threat, targeting themselves or their family members, border officers may have no choice but to fulfill the demands of the criminals.

Factors Enabling Border Corruption

Multiple opportunity and motivation factors make border administrations especially prone to corruption. The distinction between such factors has been widely discussed in the literature on organizational misconduct and white-collar crime (Vaughan, 1982; Coleman, 1998; Ashforth & Anand, 2003; Pinto et al., 2008; Bertrand et al., 2014; Prechel, 2022). Motivation refers to factors that prompt individuals or groups to engage in corruption, while opportunity suggests the presence of a favorable combination of circumstances that makes such behavior possible (McKendall & Wagner, 1997). First, I review the possible opportunity structures around border administrations.

Opportunity

At the macro level, a country's geographic location could provide opportunities for border corruption (Velkova & Georgievski, 2004). Nations at crossroads of international transport networks serve as transit corridors for smugglers and human traffickers (Dobler, 2016; Berlusconi et al., 2017; Reuter, 2014). For example, organized crime groups in the Balkans or Latin America often pass through multiple countries until they get access to huge integrated markets for illicit goods and services, such as the European Union or the United States. During these transit processes, criminals often bribe border law enforcement to enable their illegal activity across borders (United Nations Office on Drugs and Crime, 2020).

Countries with extended border areas with many ports of entry may be at increased risk for corruption simply because these factors multiply the opportunities for it. Compared to typical street-level bureaucrats in other areas, border law enforcement officers make direct contact with an exceptionally high number of people, citizens, foreigners, and representatives of trading companies (Parayno, 2013). Such frequent contacts between potential corrupt partners create an opportunity to initiate an illegal transaction or even develop a long-term corrupt relationship (McLinden, 2005).

Smuggling otherwise legal goods can be driven by price differences between two countries (Buehn & Eichler, 2009). Thus, the legal and economic environments, for example, trade policy, tariff and tax rates, and consumer prices, may provide opportunities for corruption (Fisman & Wei, 2004; McLinden, 2005). Goods such as gas, alcohol, tobacco, or electronics cheaply purchased in one country could be smuggled and sold with a huge profit margin in another country, where those products are often more expensive because of heavy taxes.

The social/ethnic characteristics of a border region may also provide opportunities for corruption since officers are often embedded in local social or ethnic groups (Heyman & Campbell, 2008; Velkova & Georgievski, 2004). For example, most border patrol agents and entry inspectors in the United States grew up in the same border region where they work (Heyman, 1995). That may permit direct connections to local criminal gangs through kinship or friendship networks. Members of these social arrangements can also act as trustworthy brokers to introduce actors to each other (Jancsics, 2024a). These overlapping trust-based social networks can serve as secure and “low-cost” infrastructure for corruption.

Internal structures of the border security organization and the employees’ position within these structures can also offer opportunities by providing settings where corruption can easily occur (Vaughan, 1982; Jávora & Jancsics, 2016; Graycar & Prenzler 2013). The physical location of remote land borders creates “authority leakage,” suggesting that the agency’s center loses control over subordinate units within a bureaucracy as the distance between headquarters and lower-level entities increases (Tullock, 1965; Dhezkova, R. & Bezlov, 2012). In isolated border areas, travelers and truck drivers have restricted options to report abuse of power, which makes the coercion of border control officers less risky. Moreover, specific agents do not work at stations but patrol the border between ports of entry. Since they move relatively freely and arbitrarily, monitoring and supervising their activity could be challenging, providing opportunities for corruption (Balla, 2016).

Motivation

Considering the motivation of corrupt agents, we can distinguish between three approaches to explain their behavior: utilitarian, normative, and relational (Jancsics et al., 2023). The utilitarian approach has been derived from the neoclassical tradition of economics, and it has also been mentioned in organization studies literature as the “rational choice perspective” in organization studies (Palmer, 2012; Bertrand et al., 2014). Here the primary motivation of individual actors is to get the greatest achievable utility under the conditions of scarcity. Agents engage in corruption because, considering the risks and benefits, violating the rules is the most rational decision to maximize their profit. Employees of border control agencies with relatively low salaries and often inferior working conditions have a unique administrative monopoly and broad discretion to make decisions about whether individuals or highly valuable goods are allowed to enter a country (Ferreira et al., 2006; Klitgaard, 1988; McLinden, 2005; Wickberg, 2013). These tempting conditions can easily motivate officers to use such decision-making power for illegal private gain.

The normative approach suggests that social factors beyond the individual's rational decision may influence the ways of acting. These theories claim that actors are constrained by local social norms and motivated by values and beliefs internalized through socialization. Therefore, border agents engage in corruption because the toxic organizational subculture is stronger than the formal rules that they are supposed to follow. Analyzing border corruption from this perspective implies that this corruption is a collective organizational activity involving the collaboration of multiple actors inside the border administration. For example, to reduce the risk of being exposed by internal control mechanisms they often entrust colleagues finishing their duty with the task of collecting the bribe money and taking it outside the border station (Kardos, 2014). They may also share the obligation of distributing the profits from corrupt deals with colleagues and superiors (McLinden, 2005; Magyar, 2015). Moreover, corrupt colleagues often punish border agents who do not follow these norms, such as those who work independently or are unwilling to participate in corruption (Mars, 1982).

Socialization is the process by which newcomers are taught to perform and accept corrupt practices (Ashforth & Annand, 2003). Even those who do not participate in corruption may stay loyal to their corrupt colleagues and remain silent. Border administrations have a highly integrated workforce, which may prevent corruption from being reported. Covering up colleagues' illicit or illegal behavior is empirically confirmed by corruption research in tight-knit occupations such as law enforcement (Westmarland, 2005; Chan et al., 2003).

The relational approach claims that corruption involves multiple internal and external actors linked by direct ties (Jancsics, 2024b). Corrupt agents are embedded in social systems involving many other members who are significant reference points in one another's decisions (Knoke & Kuklinski, 1991). The nature of the relationship a given actor has with others may affect his/her perceptions, motivations, and beliefs. As mentioned earlier in this article, officers are often embedded in local social or ethnic groups. Here, loyalty to one's friends, family, community members, or a group of political allies overrides internal organizational rules (Hildreth et al., 2016; Moore & Gino, 2015). In these cases, organizational members break the organization's rules and misuse its resources to benefit an outside social network.

Conclusions

Several features make border corruption a unique form of corruption. Bribe-giver clients can be individuals, firms, or informal groups. Different clients indicate

different types of corruption. Individuals usually get involved in low-level corrupt transactions such as petty smuggling of consumer goods, alcohol, tobacco, or petrol for their own personal benefit. When firms participate in corruption, it is driven by an aspiration for organizational advantage rather than individual profit. Sometimes, the client is a collective that can be an informal group such as a family or friendship network to which a corrupt agent is connected. We can also find criminal organizations on the client side as an informal group.

Corruption at the border can be based on collusion, voluntary and mutually beneficial participation, or coercion, when one party is forced by the other to participate. Collusion suggests that both the client and the agent benefit from the transaction. Coercion is also possible at the border because agents have broad discretion to block people's or goods' physical movement. Border-crossing clients (individuals or firms) can be forced to give bribes for "fair treatment," such as slowing down border traffic and returning to normal pace only if they receive a bribe from the traveler. Yet, border officers can also demand bribes for made-up offenses such as allegedly missing documentation, forms, or signatures. In some cases, coercion comes from the client side, and criminal groups threaten border officers to participate in corruption.

Finally, utilitarian, normative, and relational perspectives can explain law enforcement officers' motivations to engage in border corruption. The utilitarian approach suggests that border corruption is based on the participants' rational decisions to maximize their personal profit. The normative approach claims that agents participate in corruption because they are motivated by toxic culture, values, and beliefs internalized through socialization in their workplace. Finally, the relational approach explains corruption by the actors' embeddedness in social systems such as family and friendship networks outside their organization.

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