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Need of Mandatory Laws to Reduce the Crime and Corruption from the Society

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ABSTRACT

Crime and corruption are among the most persistent social and institutional challenges affecting the stability, development, security, and overall well-being of modern societies. Crime creates fear, insecurity, and social disorder, whereas corruption undermines public institutions by enabling the misuse of authority, diversion of public resources, bribery, fraud, favouritism, and abuse of power. Despite the existence of various laws and regulatory mechanisms designed to prevent and punish criminal and corrupt activities, their effectiveness frequently depends upon the quality of implementation, institutional capacity, transparency, accountability, and the efficiency of investigation and judicial processes. The mere existence of legislation is therefore insufficient unless legal provisions are supported by effective and consistent enforcement.

This research examines the need for mandatory laws to reduce crime and corruption from society and analyses the role of stronger, clearer, and enforceable legal mechanisms in promoting public order, accountability, and the rule of law. Mandatory laws can establish definite standards of conduct, impose specific legal obligations, and provide appropriate consequences for violations. When such provisions are applied consistently and impartially, they can increase the perceived certainty of detection and punishment and thereby contribute to deterrence. However, the effectiveness of mandatory legislation should not be assessed solely on the basis of severity of punishment. Laws should also facilitate preventive action, efficient investigation, timely prosecution, institutional monitoring, transparency in public administration, and effective mechanisms for reporting and addressing wrongdoing.

The research further considers the reasons why existing legal measures may fail to achieve their intended objectives. Delays in investigation and adjudication, inadequate enforcement resources, institutional weaknesses, lack of accountability, misuse of official authority, insufficient public awareness, and the possibility of unequal application of laws can weaken public confidence in the justice system. In such circumstances, stronger mandatory provisions may be necessary to ensure that legal obligations are not discretionary and that violations receive an appropriate and timely response. At the same time, excessive or poorly drafted mandatory laws may create risks of arbitrary enforcement, disproportionate punishment, misuse of authority, and violations of fundamental rights. Therefore, legal reforms must maintain an appropriate balance between deterrence, enforcement, individual liberty, and the principles of natural justice.

The study argues that reducing crime and corruption requires a comprehensive approach rather than dependence on punishment alone. Mandatory legal provisions should be accompanied by institutional reforms, independent and effective investigative mechanisms, transparent administrative procedures, judicial efficiency, ethical education, public participation, protection for legitimate reporting of wrongdoing, and greater awareness of legal rights and responsibilities. Equal application of the law is particularly important because selective enforcement can weaken the credibility of legal institutions and encourage perceptions that individuals with influence or resources can avoid accountability.

The research ultimately seeks to establish that effective, mandatory, transparent, proportionate, and consistently enforced laws can play an important role in reducing crime and corruption. However, legislation can achieve sustainable results only when supported by accountable institutions, efficient enforcement, public cooperation, and respect for fundamental rights, due process, and equality before the law. A coordinated legal and institutional framework can therefore contribute to a safer, more transparent, equitable, and responsible society.

Keywords: *Crime Prevention; Corruption Control; Mandatory Laws; Legal Enforcement; Rule of Law; Criminal Justice; Law and Society; Deterrence; Accountability; Transparency; Good Governance; Institutional Reform; Judicial Efficiency; Law Enforcement; Public Administration; Anti-Corruption Measures; Legal Compliance; Due Process; Equality Before Law; Social Justice.*

Introduction

Crime and corruption are among the major challenges that affect the stability, development, and well-being of society. Crime creates fear and insecurity among citizens, while corruption weakens public institutions, misuses public resources, and reduces trust in government and the legal system. Although

laws exist to prevent and punish criminal and corrupt activities, their effectiveness depends largely on proper implementation, enforcement, and public compliance. In many societies, gaps in enforcement, delays in justice, lack of accountability, and misuse of authority allow unlawful activities to continue.

The existence of clear and mandatory laws is therefore important for maintaining social order and protecting the rights and interests of citizens. Mandatory laws establish specific standards of conduct and provide legal consequences for individuals who violate them. When such laws are fairly and consistently enforced, they can act as a deterrent against criminal behaviour and corruption. However, mandatory legislation should not merely focus on increasing punishment; it should also promote transparency, accountability, ethical conduct, effective investigation, and equal application of the law.

The need to reduce crime and corruption is particularly important because these problems can have consequences beyond individual victims. Persistent crime can affect economic activity, public safety, and social harmony, while corruption can divert public funds, increase inequality, reduce the quality of public services, and undermine confidence in democratic and legal institutions. Consequently, developing effective and enforceable legal frameworks is an important part of creating a safer, fairer, and more accountable society.

This research examines the need for mandatory laws as a means of reducing crime and corruption in society. It considers the role of legislation and enforcement, the reasons existing measures may be insufficient, and the ways in which stronger legal mechanisms can contribute to prevention, accountability, and deterrence. The research also considers the importance of ensuring that mandatory laws respect fundamental rights, due process, and the principle of equality before the law.

Background of the Research

Crime and corruption have existed in different forms throughout human history and remain significant concerns in modern societies. Governments establish laws and institutions to define prohibited conduct, punish offenders, protect victims, and maintain public order. Nevertheless, the mere existence of laws does not automatically eliminate criminal or corrupt behaviour. Their effectiveness depends on factors such as enforcement capacity, institutional independence, public awareness, judicial efficiency, and the willingness of authorities to hold offenders accountable.

Corruption is particularly damaging because it can involve the misuse of public or private power for personal or organizational benefit. Practices such as bribery, embezzlement, fraud, abuse of authority, and favouritism can undermine the proper functioning of institutions. When people believe that laws can be avoided through money, influence, or personal connections, respect for the legal system may decline. This can create a cycle in which weak enforcement encourages further violations and reduces public confidence in authorities.

Similarly, crime can increase when individuals perceive that the probability of detection and punishment is low. Effective laws can establish consequences for unlawful behaviour and provide authorities with mechanisms to investigate and prosecute offences. However, excessive or poorly designed mandatory laws can also create problems if they are applied unfairly or without adequate safeguards. Therefore, the objective should be to develop laws that are clear, proportionate, enforceable, and applicable equally to all individuals.

The background of this research is based on the idea that reducing crime and corruption requires more than punishment after an offence has occurred. It requires preventive measures, institutional accountability, transparent procedures, effective investigation, timely justice, and consistent enforcement. Mandatory legal provisions can form an important part of this framework by creating clear obligations and consequences. At the same time, legal reform should be accompanied by administrative improvements, ethical education, public participation, and mechanisms for reporting and addressing wrongdoing.

Thus, the study of mandatory laws is significant because effective legislation can strengthen deterrence and accountability while contributing to a culture of legality. The research seeks to determine whether stronger mandatory legal measures can help reduce crime and corruption and what safeguards are necessary to ensure that such laws are effective, fair, and consistent with the principles of justice and human rights.

Meaning and Causes of Crime and Corruption

1. Meaning of Crime

Crime refers to an act or omission that is prohibited by law and is punishable by the state. In simple terms, crime occurs when an individual violates a legal rule established to protect people, property, public order, or other interests of society. Crimes may take different forms, including theft, robbery, assault, fraud, cybercrime, murder, and other unlawful activities.

Crime is not only an individual problem but also a social issue because widespread criminal activity can create fear, insecurity, economic loss, and instability. The prevention and control of crime therefore require effective laws, law-enforcement agencies, courts, and cooperation from society.

2. Meaning of Corruption

Corruption generally refers to the misuse of entrusted power or authority for private or improper benefit. It can occur in government, public administration, business, or other institutions. Common forms include bribery, embezzlement, fraud, abuse of official position, favouritism, and illegal use of public resources.

Corruption can weaken public institutions and reduce people's confidence in government and the legal system. It may also result in the unfair distribution of resources and opportunities. When corruption becomes widespread, individuals may begin to believe that rules can be avoided through money, influence, or personal connections.

3. Causes of Crime

Crime can arise from several interconnected social, economic, psychological, and institutional factors. Some major causes include:

a. Poverty and Unemployment

Lack of income and employment opportunities can create economic pressure and, in some circumstances, contribute to criminal behaviour. People facing severe financial difficulties may become more vulnerable to theft, fraud, or other unlawful activities.

b. Lack of Education and Awareness

Limited education and lack of awareness about laws and their consequences can contribute to unlawful behaviour. Education can help individuals understand their legal responsibilities and develop respect for social rules.

c. Family and Social Environment

Family conflict, neglect, domestic instability, exposure to violence, and negative peer influence can affect behaviour, particularly among young people. An unhealthy social environment may increase the risk of involvement in criminal activities.

d. Substance Abuse

Alcohol and drug abuse can impair judgment and self-control and may contribute to certain forms of violent or property-related crime. Substance abuse can therefore be an important factor in some criminal behaviour.

e. Weak Law Enforcement

When laws are not effectively enforced, potential offenders may believe that they are unlikely to be caught or punished. Delays in investigation and prosecution can further weaken the deterrent effect of the legal system.

f. Social Inequality

Large inequalities in wealth, opportunities, and access to resources can create frustration and social tensions. In some circumstances, these conditions may contribute to criminal behaviour.

4. Causes of Corruption

Corruption also develops because of several economic, political, social, and institutional factors.

a. Lack of Transparency

When government decisions and financial transactions are not sufficiently transparent, opportunities for bribery, misuse of funds, and other corrupt practices can increase.

b. Weak Accountability

Officials and individuals are more likely to engage in corruption when they believe that they will not be held responsible for their actions. Weak monitoring and ineffective disciplinary mechanisms can therefore encourage corruption.

c. Abuse of Power

Individuals who have significant authority without adequate supervision may misuse their position for personal or organizational benefit.

d. Greed and Personal Gain

The desire for financial benefit, status, influence, or other advantages can motivate individuals to engage in corrupt practices.

e. Political and Institutional Influence

Corruption may increase when personal, political, or business relationships influence official decisions instead of objective legal and administrative procedures.

f. Delayed Justice and Weak Enforcement

If corruption cases are investigated or prosecuted slowly, or if offenders can avoid meaningful consequences, the deterrent effect of anti-corruption laws may be reduced.

g. Social Acceptance of Corrupt Practices

In some situations, practices such as giving small unofficial payments or using personal connections may become socially normalized. Such attitudes can make corruption more difficult to eliminate.

5. Relationship Between Crime, Corruption, and the Need for Mandatory Laws

Crime and corruption can reinforce one another. Corruption within law-enforcement or public institutions can make it easier for criminals to avoid investigation or punishment. Similarly, criminal networks may use bribery and intimidation to influence officials. This can weaken the rule of law and reduce public confidence in institutions.

Therefore, mandatory laws can play an important role in preventing and controlling both crime and corruption. Such laws should clearly define prohibited conduct, establish appropriate penalties, impose accountability on responsible authorities, and ensure that the law is applied equally. However, legislation alone is not sufficient. Effective enforcement, independent institutions, timely justice, transparency, public awareness, and protection for people who report wrongdoing are also necessary to achieve meaningful reductions in crime and corruption.

Existing Legal Framework in India

India already has a broad legal framework for preventing, controlling, and punishing crime and corruption. The framework includes criminal laws, anti-corruption legislation, institutions for investigation and accountability, and constitutional protections. However, the existence of these laws does not always guarantee effective prevention because their success also depends on proper enforcement, timely investigation, prosecution, and judicial decisions.

1. Bharatiya Nyaya Sanhita, 2023

The **Bharatiya Nyaya Sanhita, 2023 (BNS)** is the principal substantive criminal law of India and came into force on **1 July 2024**, replacing the Indian Penal Code, 1860. It consolidates and amends provisions relating to offences and punishments. It covers offences against the human body, women and children, property, public tranquillity, the State, and offences by or relating to public servants, among other areas.

The BNS is therefore an important part of the legal framework for reducing crime. By defining criminal conduct and prescribing punishments, it provides a legal basis for deterrence and prosecution.

2. Bharatiya Nagarik Suraksha Sanhita, 2023

The **Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)** provides the procedural framework for the administration of criminal justice. It deals with matters such as investigation, arrest, prosecution, trial, and other criminal-procedure mechanisms. Together with the BNS and the Bharatiya Sakshya Adhiniyam, 2023, it forms part of India's new criminal-law framework. The Ministry of Home Affairs identifies these three laws as the new criminal laws enacted in 2023.

An effective procedural framework is essential because criminal laws can achieve their purpose only when offences are properly investigated and cases are dealt with through a functioning justice system.

3. Bharatiya Sakshya Adhiniyam, 2023

The **Bharatiya Sakshya Adhiniyam, 2023 (BSA)** provides the legal framework relating to evidence in judicial proceedings. It replaced the Indian Evidence Act, 1872, as part of India's new criminal-law framework. Rules concerning evidence are important because the successful prosecution of criminal offences depends upon the collection, presentation, and evaluation of legally admissible evidence.

4. Prevention of Corruption Act, 1988

The **Prevention of Corruption Act, 1988 (PCA)** is one of India's principal laws dealing specifically with corruption. Its purpose is to consolidate and amend the law relating to the prevention of corruption. It contains provisions concerning offences involving public servants, bribery, undue advantage, commercial organisations, investigation, prosecution, and punishment.

The Act also provides for **Special Judges** to deal with offences under the legislation and contains provisions concerning investigation, attachment and forfeiture of property, and prosecution. These mechanisms are intended to strengthen accountability and deter corrupt conduct.

5. Lokpal and Lokayuktas Act, 2013

The **Lokpal and Lokayuktas Act, 2013** provides for the establishment of the **Lokpal at the Union level and Lokayuktas in the States**. Their purpose includes inquiring into allegations of corruption against certain public functionaries. The Act therefore provides an institutional mechanism for addressing corruption involving public officials.

The existence of such independent accountability mechanisms is important to the research topic because effective anti-corruption laws require institutions capable of receiving complaints, conducting inquiries, and taking appropriate action.

6. Constitutional Framework

The **Constitution of India** provides the fundamental legal foundation for the rule of law, equality before the law, and protection of individual rights. These constitutional principles are important when creating or enforcing mandatory laws against crime and corruption.

Any stronger mandatory legislation must therefore balance the objective of preventing crime and corruption with constitutional guarantees such as equality, fairness, due process, and protection of fundamental rights. Mandatory laws should not become instruments for arbitrary or discriminatory enforcement.

7. Need for Strengthening the Existing Framework

India therefore does not lack laws relating to crime and corruption. The more significant issue is often the **effective implementation and enforcement of existing laws**. Delays in investigation and trials, inadequate resources, lack of institutional accountability, difficulties in gathering evidence, and inconsistent enforcement can reduce the deterrent effect of legislation.

For this reason, the proposal for mandatory laws should not necessarily mean simply creating more offences or increasing punishments. It should also involve **mandatory standards of investigation, transparent procedures, accountability of public officials, time-bound institutional action where constitutionally and practically appropriate, protection for complainants and witnesses, effective monitoring, and equal application of the law**.

Conclusion

The existing legal framework in India provides substantial legal protection against crime and corruption through the BNS, BNSS, BSA, Prevention of Corruption Act, Lokpal and Lokayuktas Act, and constitutional principles. However, the effectiveness of these laws depends upon their implementation. Therefore, the need for mandatory laws should be examined primarily from the perspective of **stronger enforcement, accountability, transparency, timely action, and consistent application**, rather than punishment alone. A strong and fair legal system can contribute significantly to reducing crime and corruption and strengthening public confidence in the rule of law.

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