

White-Collar Crime Investigating and Prosecuting Agencies in Pakistan: A Review on Structure and Challenges of Agencies

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Abstract

Most of the countries have instituted country-wide bodies tasked with investigating and prosecuting critical and tricky instances of white-collar crime. This article delves into existing research literature concerning the obstacles and hurdles encountered by such national corporations in Pakistan, specifically the National Accountability Bureau (NAB), Federal Investigation Agency (FIA), and Provincial Anti-Corruption Establishments (ACEs). It holds significance as it sheds light on the dilemmas, governments ought to confront when assessing the efficacy of their national anti-fraud entities and monetary crime government. In Pakistan, the overall performance of these institutions has been inconsistent, mainly for the duration of periods of political turbulence marred by allegations of corruption, grappling with boundaries in assets and prison frameworks, compounded via a lack of operational autonomy and institutional independence. These challenges and boundaries represent just some of the boundaries faced by the national government entrusted with the mandate to investigate and prosecute white-collar crime on a countrywide scale. The identity of these challenges, in particular from the point of view of convenience principle, needs to catalyze future research aimed at pinpointing pertinent avenues for motion.

Keywords: White-collar crime, National Accountability Bureau, Federal Investigation Agency, Provincial Anti-Corruption Establishments, Corruption.

Introduction

White-collar crimes refer to non-violent offenses that are typically committed by individuals or organizations for financial gain. These crimes are characterized by deceit, manipulation, and abuse of power, rather than physical force. Prof. Edwin Sutherland invented the phrase "White Collar Crimes" in 1939 (Ali U. , 2022). White-collar crimes have been a major concern in Pakistan, as they not only erode public trust but also have detrimental effects on the economy and social fabric of the country. One area of white-collar crime that is prevalent in Pakistan is corruption. White-collar crimes refer to the misuse of power for personal gain, encompassing bribery, embezzlement, fraud, and money laundering. According to the World Bank, white-collar crimes in Pakistan are primarily associated with the misuse of public goods by public officials for private gains. (Bank, 2023). In terms of education, white-collar crimes have led to high illiteracy rates and school dropout rates. Additionally, white-collar crimes have contributed to high rates of unemployment and crime, as resources that could have been allocated towards job creation and the implementation of effective law enforcement measures are instead diverted into private hands. Furthermore, white-collar crimes have resulted in higher levels of poverty in Pakistan. The 2023 TI Corruption Perception Index indicates that Pakistan is ranked 133 out of 180 countries, with a score of 29 out of 100, indicating a high level of perceived corruption (International, 2023).

This paper reviews research literature about challenges and barriers for Anti-corruption Investigation Agencies (ACIAs) i.e. National Accountability Bureau (NAB), Federal Investigation Agency (FIA), and Provincial Anti-corruption Establishments (ACEs) to investigate white-collar crimes in Pakistan. (Sadiq, 2020). As white-collar crimes continue to be a pressing issue in Pakistan, it pose significant challenges and barriers for organizations like the National Accountability Bureau (NAB), Federal Investigation Agency (FIA), and Provincial Anti-corruption Crimes Establishments (ACEs). This article starts by discussing challenges and barriers for Anti-Corruption Investigation Agencies (ACIAs) such as NAB, FIA, and Provincial ACEs in terms of criminological theories for offenders (Gottschalk, 2022). The theory of convenience explains that people are driven to engage in unethical behavior when they have a reason, a chance, and the determination to do so (Wells, 1997). After exploring convenience theory, we take a closer look at the challenges and obstacles faced by three national agencies, discussing them through the lens of this theory. To better understand how white-collar crimes like corruption are investigated and prosecuted in Pakistan, we analyzed records as part of our research approach. By identifying these challenges—especially those tied to convenience theory—we aim to pave the way for future research to pinpoint meaningful solutions. (Gottschalk, 2024).

Research Questions

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- What challenges do anti-corruption investigation agencies (NAB, FIA, and ACEs) in Pakistan face in combating white-collar crimes?
- How do operational, legal, institutional, and resource-based barriers hinder their effectiveness?
- How does the theory of convenience explain the persistence of white-collar crimes in Pakistan?
- What recommendations can address these barriers to improve the efficacy of anti-corruption agencies?

Supporting Variables with Literature

To thoroughly analyze the effectiveness of anti-corruption agencies, it is essential to explore the critical variables influencing their operations. By grounding these variables in existing literature, the study can better understand the challenges these agencies face globally and locally.

Operational Autonomy

Political influence and bureaucratic meddling put serious strain on these agencies, making it hard for them to operate independently. Gottschalk (2022) explains that political agendas often get in the way of investigating white-collar crimes, causing uneven enforcement or dragging cases out longer than they should. (Gottschalk, 2022). For agencies such as the Federal Investigation Agency (FIA) and Anti-Corruption Establishments (ACEs), political interference limits their capacity to pursue cases impartially, eroding public trust and hindering outcomes.

Legal Limitation

Sadiq (2020) pointed out that the laws guiding anti-corruption agencies in Pakistan fall short, making it tough for them to handle cases effectively. This isn't just a local issue—around the world, outdated anti-corruption laws make it hard for agencies to keep up with evolving schemes like international corruption and digital fraud. Without much-needed legal updates, Pakistan's agencies are struggling to tackle modern corruption, weakening their ability to prevent it.

Resource Constraints

Hussain et al. (2020) pointed out that many anti-corruption agencies struggle with a lack of funding, which leaves them unable to hire skilled professionals, invest in modern technology, or build the infrastructure they need. In Pakistan, tight budgets make it especially hard to carry out critical tasks like bringing in forensic auditing experts or offering training programs. Without these resources, it becomes a real challenge for these agencies to tackle the intricate web of corruption effectively.

Institutional Challenges

According to Transparency International (2023), issues like slow case processing and unethical behavior within investigative teams make these organizations less effective worldwide. (Corruption Perceptions Index Report, 2023). Procedural lapses, corruption within ACEs, and the absence of transparent mechanisms for oversight are common issues. These factors diminish the agencies' ability to function effectively and erode public confidence in their actions.

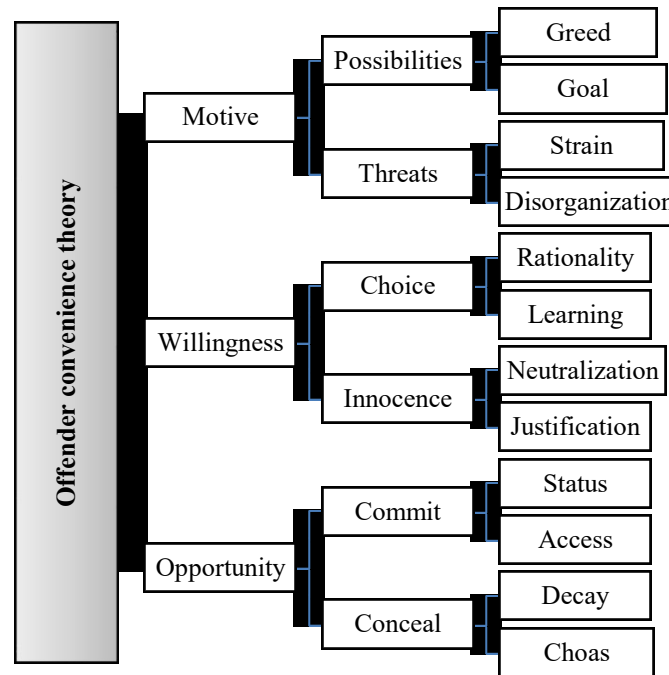
Offender Convenience Theory

Convenience theory is a new way of understanding why white-collar crimes happen. (Oka, 2021). Challenges and barriers for Anti-Corruption Investigation Agencies (ACIAs) i.e. NAB, FIA, and Provincial ACEs are discussed in this study in terms of offenders' convenience theory. The theory of convenience explains that people are often driven by motives like opportunities or threats (Chan F., 2020). It also highlights that committing and hiding wrongdoing becomes tempting when the chance presents itself, and the decision to engage in such behavior usually comes down to personal choice and reasoning, as illustrated in Figure 1. The structure facilitates the commission of white-collar crimes depends on the status of the offender and their access to resources. On the contrary, the structure enabling the concealment of crimes is determined by institutional decay, lack of guardianship leading to chaos, and the complexity of rules leading to collapse. Conscious choices and the perception of innocence influence the inclination towards deviance. The theory encompasses three dimensions and fourteen propositions regarding convenience (Fig. 1) (Gottschalk, 2022).

Convenience is all about perspective—it means that offenders always have other, lawful ways to achieve their goals without resorting to shady or illegal behavior. Corruption, a pervasive issue across societies, is often driven by multifaceted motives, each posing its own set of possibilities and threats. Financial gain remains a prominent incentive, where individuals, both in public and private sectors, exploit their positions for personal enrichment, leading to misallocation of resources and economic inefficiency (Khan, 2018). Moreover, the quest for power and influence can lure individuals into corrupt practices, compromising ethical standards and undermining democratic processes (Treisman, 2007). Furthermore,

social and cultural factors, such as nepotism and favoritism, perpetuate white-collar crimes by fostering a climate of impunity and eroding public trust in institutions. However, beyond immediate gains, white-collar crimes pose severe threats to societal well-being, including inhibited economic growth, distorted market competition, and heightened inequality (Mauro, 1995). Additionally, white-collar crimes corrode the rule of law, weaken institutions, and foster a culture of cynicism, ultimately undermining social cohesion and stability (Gupta, 2002). Hence, combating white-collar crimes requires comprehensive strategies addressing its diverse motives while strengthening accountability mechanisms and promoting transparency (Bank., 2020).

Figure 1. Structural model of convenience theory



Source: Adapted from (Gottschalk, 2024).

Secondly, white-collar crimes often viewed as the abuse of entrusted power for private gain, manifest themselves in various forms, one being the exploitation of opportunities for personal enrichment through both the act of committing corrupt acts and concealing them. The opportunity to engage in white-collar crimes arises from several factors, including weak regulatory frameworks, bureaucratic red tape, and insufficient oversight mechanisms. In many cases, individuals in positions of authority capitalize on these opportunities by soliciting bribes, embezzling public funds, or engaging in other illicit activities for personal benefit. Moreover, the concealment of corrupt practices involves intricate schemes aimed at obscuring trails of illegal transactions, often through money laundering, falsification of documents, or the manipulation of accounting records. This dual nature of white-collar crimes underscores the complexity of combating them effectively. Addressing white-collar crimes requires not only punitive measures but also comprehensive reforms targeting institutional weaknesses and promoting transparency and accountability (Kaufmann & Vicente, 2005).

Discussions

National Accountability Bureau (NAB)

The NAB is a principal institution in Pakistan, established with the mission of combating white-collar crimes and ensuring accountability at all levels of government and society. Since its inception in 1999, NAB has been entrusted with the task of investigating and prosecuting cases of corruption, embezzlement, and financial mismanagement. It operates under the National Accountability Ordinance 1999. As of December 9, 2023, NAB, Pakistan recovered PKR 2.3 trillion (National Accountability Bureau, 2023). The lack of effective use of sanctions, an abuse of equality control, and a lack of balanced control a man is more inclined to commit white-collar offenses (Ali U., 2022). Following independence,

Pakistan inherited a robust bureaucracy and armed forces from the British Raj. However, the bureaucratic structure has seen minimal alterations since its inception, largely remaining as established by the British. Although in 2007, the Musharraf regime proposed amendments, significant changes have been elusive. This stagnation has allowed white-collar crimes to permeate the intricate layers of bureaucracy, particularly evident in cases of irregular and temporary appointments (Siddiqui, 2019). In Pakistan, white-collar crimes trace their roots back to the British era when they rewarded loyalists with lands and titles, fostering nepotism and corruption. By the late 1960s, the bureaucracy was seen as a tool of oppression. Various reports from the World Bank have highlighted that Pakistan's bureaucracy appears rife with corruption, inefficiency, and a lack of accountability, resisting reform efforts (Shafqat, 1999). The Chairman of Transparency International Pakistan stated that the National Reconciliation Ordinance (NRO), introduced under the administration of Pervez Musharraf in 2007, introduced new avenues for combating white-collar crimes in Pakistan. Those who benefited from the NRO were predominantly bureaucrats, military personnel, and government officials (Husain, 2009).

The establishment of the NAB aims to combat white-collar crimes in Pakistan. NAB is anchored in its legal framework, independence, and authority. However, the appointment of the NAB chairperson by the president, in consultation with the leaders of the house and opposition, for a fixed term of four years can raise concerns. Given that the president typically belongs to the ruling party, they are influenced by the prime minister. In a parliamentary system, the president holds a ceremonial role, often deferring to the decisions of the government (Qureshi, Shahzad, & Saeed, 2023). Consequently, the choice of the NAB chairperson may be influenced by political considerations, leading to the potential politicization of NAB's actions. This creates a situation where those in power may evade accountability while others face scrutiny. The lack of independence in NAB's operations undermines its effectiveness. To function efficiently, NAB must operate free from external pressures and political influence. In Pakistan, the accountability mechanism and legal framework are not based on political will, the role of civil society, the presence of upright political and democratic governments, and a corruption-free society (Hussain, Farooq, & Mahmood, 2020). General obstacles and institutional challenges encompass the absence of a comprehensive, sustained, and coordinated policy or strategy to prioritize asset recovery, aligning objectives, tools, and resources accordingly.

Federal Investigation Agency (FIA)

The FIA is led by a Director General, typically a BPS 21/22 officer, historically sourced from the Police Service of Pakistan. Its administrative structure comprises two regions overseen by Additional Director Generals, with seven zones each headed by a Director. Within each zone, there are sub-units known as circles, each under the leadership of a Deputy Director. These circles specialize in various types of crimes such as human trafficking, cybercrimes, banking crimes, corporate crimes, and corruption-related offenses. With the establishment of NAB as a leading anti-corruption agency, the FIA's anti-corruption role has become more focused on border control functions, human trafficking, and cybercrime. The FIA enforces 115 sections of the Pakistan Penal Code and 33 special laws listed in its schedule of offenses, including the Prevention of Corruption Act, of 1947. The preamble of the FIA Act of 1974 confines its jurisdiction to matters concerning federal government departments, organizations, and corporations. (Sadiq, 2020).

Anti-Corruption Establishment (ACE)

The Anti-Corruption Establishment (ACE) operates at the provincial level, with distinct leadership structures in each region. In Sindh, it is overseen by a Chairman, while in Punjab and Baluchistan, a Director General leads, and in KP, a Director holds the position. These leaders typically come from backgrounds in civil service, police, or retired military personnel. At the district level, each area has an ACE office led by a Deputy Director known as the Circle in charge. In Baluchistan, the ACE used to work under a DIG/SSP. However, in 2010, things changed when a separate directorate was set up, and the Secretary of Services & General Administration Department (S&GAD) stepped in as the Ex-Officio Director General. ACEs hold authority over employees within provincial government departments, organizations, and corporations.

Following Pakistan's formation, the Prevention of Corruption Act, of 1947 (PCA) was established. In 1961, the West Pakistan Anti-corruption Agency was instituted, later splitting into provincial Anti-Corruption Establishments after the country's division in 1970. The Federal Investigation Agency (FIA) was tasked with combating corruption, and replaced by the Pakistan Special Police Establishment (PSPE) in 1975. The failure of these anti-corruption agencies (ACAs) to effectively address corruption, coupled with instances of corruption within them, prompted the government to establish the Inspection

Commission. Subsequently, the Ehtesab Bureau was formed to support the actions of the Ehtesab Commission in 1997. Presently, Pakistan's legal framework for combating corruption includes the Pakistan Penal Code, 1860 (PPC), the National Accountability Ordinance, 1999 (NAO), the Security Exchange Commission of Pakistan, the Income Tax Ordinance 2001, and the Customs Act 1969 (Ahmed, 2013).

Challenges and Barriers for Anti-Corruption Investigation Agencies (ACIAs)

Impaired Operational Autonomy

The operational independence of anti-corruption agencies such as the National Accountability Bureau (NAB), Federal Investigation Agency (FIA), and Anti-Corruption Establishments (ACEs) is significantly compromised by bureaucratic, political, and military interference. Judicial records reveal numerous cases where political influence delayed or derailed investigations. For instance, in *NAB vs. Malik Riaz (2012)*, allegations of undue political pressure impeded proceedings, highlighting the pervasive influence of powerful actors on NAB's operations. Discriminatory practices, such as selective targeting of political opponents, have further eroded public trust in these institutions, as emphasized in *Asif Ali Zardari v. State (2020)*. Adopting a top-down reform approach, prioritizing independence, and insulating agencies from external pressures are crucial for restoring operational credibility (Gottshcalk, 2022).

Institutional Challenges and Legal Limitations

Anti-corruption agencies often lack stringent ethical frameworks to prevent conflicts of interest. The case of *FIA vs. Saeed Ahmed (2018)* highlighted how cozy ties between investigators and suspects can muddy the waters of transparency. Similarly, in *NAB vs. Fawad Hassan Fawad (2019)*, investigators openly worried about career backlash, especially in politically charged cases. To tackle these issues, institutions need to step up with mandatory ethical training, strong whistleblower protections, and clear rules to keep investigations fair and unbiased. (International, 2023). The legal rules guiding the FIA and ACEs are outdated and don't quite cut it when it comes to tackling modern white-collar crimes. In the *NAB vs. Shahbaz Sharif case (2021)*, the Supreme Court highlighted delays in procedures, blaming the limited powers of ACEs when it comes to gathering evidence and making plea deals. Meanwhile, NAB has a lot more muscle thanks to the National Accountability Ordinance (NAO). This uneven playing field shows how important it is to align the laws across these agencies to make their investigations and prosecutions more effective. (Ali U. , 2022).

Resource Constraints and Technical Expertise

For years, NAB and FIA have struggled with tight budgets, making it tough for them to take on major investigations. A 2011 case, *FIA vs. Moonis Elahi*, even highlighted how the FIA couldn't conduct proper financial forensic analyses because they just didn't have the funds. While NAB's budget has slowly grown over time, ACEs are still scraping by with very limited resources. These financial challenges don't just affect their investigations—they also make it harder to root out corruption within their ranks (Hussain et al., 2020). On top of that, the courts frequently point out the lack of technical expertise in these agencies. For example, in *FIA vs. Salman Shahbaz (2021)*, the court flagged serious gaps in financial forensic skills, which often result in incomplete or weak cases. In today's world, having expertise in IT, data analysis, and financial forensics is crucial to follow complex money trails and tackling sophisticated crimes. Building partnerships with international anti-corruption organizations could be a game-changer, offering the training and skills these agencies desperately need. (Gottshcalk, 2022).

Accountability Mechanisms and Prosecution Challenges

Internal accountability mechanisms in agencies remain weak, leading to corruption within anti-corruption entities. Reports presented during *Pakistan Bar Council vs. NAB (2019)* highlighted instances where investigating officers faced allegations of misconduct and bribe-taking. Unionization within ACEs has further weakened institutional accountability, allowing internal malpractices to go unchecked (Ahmed, 2013). Strengthening these mechanisms through independent oversight committees can enhance internal transparency and reduce corruption. Despite the admissibility of electronic evidence, white-collar crime cases often face prosecution challenges. Judicial findings in *NAB vs. Yousaf Raza Gillani (2021)* highlighted the role of bar pressure on courts and inadequate witness protection as significant hurdles. Strengthening prosecution by enhancing legal representation, protecting witnesses, and streamlining evidentiary standards can improve conviction rates (Gottshcalk, 2022).

Data Access and Processing

The limited access to bank records and mobile data severely hampers case building. In *NAB vs. Ishaq Dar (2018)*, the prosecution faced challenges due to restricted access to critical financial documents. Strengthening legal provisions to ensure swift access to such data and fostering cooperation with private financial institutions could significantly enhance investigatory effectiveness (Sadiq, 2020).

Technology Utilization and Forensic Capabilities

The lack of modern technological tools and expertise limits the efficiency of anti-corruption agencies. Judicial insights in *FIA vs. Hamza Shahbaz* (2020) highlighted the reliance on manual processes, delaying investigations. Introducing advanced data analysis tools and IT-based systems for managing evidence and tracking money trails is essential for improving operational efficiency (Ali U. , 2022). Forensic evidence remains underutilized outside cybercrime cases. In *NAB vs. Ahsan Iqbal* (2019), the lack of robust forensic support weakened the prosecution's case. Broader application of digital forensics in all areas of white-collar crime investigations, including document verification and asset tracing, is crucial for substantiating findings (Ahmed, 2013).

Conclusion and Recommendations

Conclusion

White-collar crimes and corruption continue to undermine Pakistan's socio-economic stability, erode public trust, and impede institutional efficiency. Anti-corruption agencies like NAB, FIA, and ACEs are up against some tough challenges, making it clear that systemic reforms are desperately needed. These agencies struggle with limited resources, legal hurdles, and operational roadblocks, all while trying to stay shielded from political and bureaucratic meddling. By using convenience theory, we can better understand what drives white-collar crimes—the motives, opportunities, and decisions behind them. This insight can help us create smarter, more focused strategies to tackle corruption head-on. (Gottschalk, 2022).

To make real progress, we need to give anti-corruption efforts a boost by empowering institutions, updating outdated laws, and ensuring resources are wisely allocated (Sadiq, 2020). It's a team effort—policymakers, researchers, and civil society must work together to promote transparency, accountability, and trust in our systems. Research should focus on crafting creative solutions, fixing broken processes, and keeping up with the ever-changing tricks of white-collar crime, especially in our fast-paced digital world (Husain, 2009). These steps won't just help tackle corruption—they'll lay the groundwork for a fairer, stronger society for everyone.

Recommendations for Future Research

Future research should dive into how political and bureaucratic meddling throws a wrench in the work of anti-corruption agencies like NAB, FIA, and ACEs. It's worth exploring how political agendas sway case outcomes and stall investigations, and figuring out ways to shield these agencies from outside pressure. Gottschalk (2022) nailed it when saying that political interference seriously undercuts their independence. Digging into potential reforms, like legislative changes, could offer practical ways to help these agencies stay neutral and focused (Sadiq, 2020).

Another big focus should be on legal reforms. Researchers need to examine the loopholes in the current anti-corruption laws in Pakistan and whether they're equipped to tackle modern corruption schemes, like transnational and digital fraud. Since NAB, FIA, and ACEs operate under different rules, a side-by-side look at their laws and global best practices could help streamline and modernize these frameworks. As Hussain et al. (2020) point out, keeping laws up to date with how corruption evolves is key to fighting it effectively.

Lastly, let's talk resources and skills—or lack thereof. Many anti-corruption agencies are held back by tight budgets and limited expertise. Future studies should look into how funding shortages affect their ability to use advanced tools like forensic accounting and IT solutions. Both Hussain et al. (2020) and Gottschalk (2022) agree that underfunding doesn't just slow down investigations—it can also lead to internal corruption. Exploring partnerships and training programs with international organizations might uncover ways to fill these resource and skill gaps. The accountability mechanisms within anti-corruption institutions require further investigation. Internal oversight structures, ethical training, and the prevalence of corruption among investigators should be analyzed to propose robust reforms. (Gottschalk, 2022) highlighted the necessity of independent oversight committees to mitigate internal corruption. Research into whistleblower protections and their effectiveness in enhancing transparency within anti-corruption agencies could also provide critical insights. Strengthening internal mechanisms is essential to restoring public confidence in these institutions (Ahmed, 2013).

Convenience theory provides a valuable lens for understanding white-collar crimes, offering plenty of opportunities for both theoretical and practical research. Future studies could dive into how

factors like the chances for corruption, the ability to hide illegal activities, and personal motivations for bad behavior differ across different socio-economic groups and regions in Pakistan. Gottschalk (2024) emphasizes the need to understand how motives, opportunities, and a person's willingness come together to fuel corruption. Further research into social factors like nepotism and favoritism, which help keep white-collar crimes alive, would be key to creating targeted prevention strategies (Chan F., 2020).

A closer look at the challenges within the prosecution and judicial processes is also crucial to improving conviction rates in white-collar crime cases. Studies could explore obstacles such as limited access to financial records, a lack of witness protection, and procedural inefficiencies. Kaufmann (2005) argues that improving prosecution by simplifying legal standards and using technology is vital for tackling complex corruption schemes. Additionally, research could investigate how effective public awareness campaigns are in boosting societal engagement and trust in anti-corruption efforts.

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