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Editorial: Policy analysis, political issues, sustainable development and more

The PAP journal was first published in 1992 and has been published online in open access on the Emerald Insight Platform since 2018. This year marks the 31st anniversary of its first launch and 6th anniversary of its online publication with Emerald. It now publishes three issues with at least one special issue and around twenty-five articles per year.

PAP attracted 150 article submissions from authors over 40 countries and the accepting ratio was 22% in 2022. Its articles were widely read and cited all over the world in recent years. PAP has obtained the 2022 Journal Impact Factor (JIF) of 1.4 as released by Clarivate, being abstracted and indexed by Emerging Sources Citation Index (ESCI). The Scopus/WoS Citations were 152 and 83 respectively in 2022 while the current Scopus CiteScore index is of 2.3.

Under SJR (SCImago Journal Rank) Citations 2022, PAP is in Q2 under the categories of (1) Geography, Planning and Development; and (2) Sociology and Political Science. It is in Q3 of (3) Health (social science); and (4) Public Administration.

In summary, PAP is abstracted and indexed by: Scopus, Emerging Sources Citation Index (ESCI), CrossRef, Directory of Open Access Journals (DOAJ), EBSCO Discovery Service, Google Scholar, Health Research Premium Collection (ProQuest), Healthcare Administration Database (ProQuest), ProQuest Central, ProQuest Central Basic (Korea), ProQuest Central Essentials, ProQuest Central Student, Publicly Available Content Database (ProQuest), Summons (ProQuest), WorldCat and The British Library.

Academics and practitioners in public administration, management, public policy, and related fields are welcome to contribute papers to this journal.

Summary of articles

This third issue of 2023 consists of nine articles, with three related to policy analysis on health-related issues in the United States, France, and Hong Kong, two on political issues in India and Tanzania, two on city or district level sustainable development in Shanghai and Indonesia, two on Public-Private Partnership on education and culture of state-owned enterprises. A brief introduction of these articles is given below.

The first article on “Evaluating the policy response to curb the opioid prescribing behaviour of physicians in the United States” by Roshni Das is the first detailed policy evaluation on a specific and time-sensitive aspect of physician over-prescription of opioid, within the larger opioid abuse problem in the United States. Through a critical review and synthesis of academic literature, government policy documents at both states and national levels, and articles in the popular press, the author asserted that over-prescription is a legal problem because it inevitably leads to diversion of these substances for non-medical usage. The Prescription Drug Monitoring Program (PDMP) laws have been passed by all 50 states



and the main policy responses are covered. However, there are hindrances to their effectiveness, which have to be addressed. Two state level policy alternatives are discussed as potential solutions - PDMP mandates and Pain Management Clinic Laws (PMCLs). After a comparative evaluation, it is recommended that all states should pass the mandatory PDMP review and usage laws urgently.

The second article is "Citizens' trust and digital attitudes: evidence from city digital transformation in Shanghai, China" by Yang Zhang. Based on the theory of trust and cost-benefit perspective, it examines the relationship between citizens' trust and their digital attitudes by considering the mediating effects of performance expectancy and perceived risk, as well as the moderating effect of media use. The digital transformation in Shanghai is chosen as a case study where 466 questionnaires were collected in a survey. The findings reveal that citizens' trust of government and trust of technology has no significant direct effect on their digital attitudes. However, performance expectancy mediates between the trust of government and digital attitudes, and perceived risk mediates the effect of trust of technology on attitudes. The use of social media significantly moderates the association between trust of technology and citizens' attitudes.

The third article is "Agencification, policy reversal and the reforms of the French health care system" by Daniel Simonet. Often linked to the New Public Management doctrines, agencification has been on the priority list of policy makers for over two decades. The author analyses the role of agencies in the French health system and the impact of government agency reform on physicians and the public. It discusses the perceived implementation of a re-concentration of decision-making powers within public agencies as the declared goal of agencification at the French health care system, specifically primary care providers and hospitals. The findings reveal that decentralization in France and the subsequent rise of public health care agencies had outcomes below expectations. Hence, a re-concentration of decision-making powers within the larger Regional Health Agencies; a streamlining of the public administration; and a re-appropriation of decision-making powers by the Ministry of Health are needed.

The fourth article on "Is constitutional democracy in India in crisis?" by Krishna K. Tummala examines the decline of the largest working parliamentary democracy in India on the Bharatiya Janata Party (BJP), under the leadership of Prime Minister Narendra Modi at the Centre. Original constitution, along with commentaries, are studied. News outlets, government pronouncements, journal articles, and other electronic and print media are also sourced. The findings show how three important features in democracy - elections and their outcomes, control of information, and suppression of dissent are widely used to undermine constitutional democracy. The author concluded that democracy can be undermined without altering the Constitution itself. It also explains the irony of Modi's popularity, given the undemocratic practices. As he may continue in office for some time to come, commanding a log-rolling majority, the need of the hour is a united, constructive and effective opposition to ensure a healthy working democracy.

The fifth article is "Systematic child abuse incidents in a children's residential home in Hong Kong: regulatory and criminal law reform proposals" by Wing-hong Chui, Henry Kao and Aaron H.L. Wong. After reviewing the summary of investigation report and news reports on the abuse incidents in a children's residential home, the authors used Routine Activity Theory as the framework to identify the causes. The findings uncover systematic failures such as workload issues, inadequate supervision, and the absence of continuing professional development (CPD). The regulations governing the operation of childcare centres and criminal laws against child abuse are long overdue. This article recommends enacting regulations that mandate CPD, lower the staff-to-child ratio, and strengthen the Social Welfare Department's supervisory powers over childcare centres. From the criminal law perspective, it recommends that "reasonable chastisement" be abolished as a defence of

corporal punishment, and there should be new offences for failure to report suspected child abuse incidents and causing or allowing the death/serious harm of a child.

The sixth article on “Critical success factors of Public-Private Partnerships in the education sector” by Sajida and Bevaola Kusumasari aims to identify the factors affecting the implementation of Public-Private Partnerships (PPPs) in the education sector. Extracted from Scopus, this systematic literature review examined 21 articles on PPPs in the education sector. Content analysis is adopted to identify research gaps and provide information on critical issues in the cases. The findings have identified the critical success factors of PPPs in the education sector in 12 countries, revealing varying degrees of success and implementation challenges. They reflect the importance of clear objectives, effective communication, and robust partnerships between the public and private sectors to achieve success. These insights contribute to an in-depth understanding of PPP implementation in education, which can guide future projects. The critical success factors identified in PPPs implementation in education across various countries may provide a comprehensive worldwide perspective for researchers, practitioners and policy makers.

The seventh article is “A stakeholder analysis for sustainable development of Maritime Village in Semarang coastal community, Indonesia” by Kismartini Kismartini, Ali Roziqin and Naila Authori. This article aims to examine the role of stakeholders and their interconnected relationships based on power and interests in realising sustainable development in coastal areas using the Maritime Village program in Tambaklorok, Semarang City, Indonesia as a case study. Data were collected from in-depth interviews and focus group discussions with stakeholders, observations, as well as online news, and official government reports, followed by taxonomic analysis. The results showed the four categories of stakeholders, namely players, context setters, subjects, and crowd. The Ministry of Public Works and Housing, Regional Development Planning Agency of Semarang City, Spatial Planning Agency of Semarang City, and the Fisheries Office of Semarang City were found to be key players with a role in the success of the program. PT Pelindo was identified as a context setter with low interests but high power, acting as an accelerator in the development program.

The eighth article is “Political decentralisation and political-administrative relation in the local councils in Tanzania” by Wilfred Uronu Lameck. This article analyses the degree of political decentralisation and its relation to the local councils in Tanzania. It explores the institutional and political set-up of the local councils originating from the degree of political decentralisation and how it influences the tension between the bureaucrats and local politicians. A comparative case study is adopted to investigate the phenomenon in two local governments in Tanzania. The findings indicate that the two local governments are subjected to a similar political system guided by similar rules and guidelines from the central government bureaucracy for implementing the party manifesto and central government priorities. Thus, the local politicians have little room for negotiation in adopting local agenda to reflect the preferences of the local community. Any attempt to challenge this status quo creates political tensions between bureaucrats and the administrators.

The ninth article is “Indigenous cultures and employee efficiency: the moderating effect of cronyism in state-owned enterprises in Ghana” by Fred Awaah and Morounkeji Olanrewaju. This article examines the relationship between indigenous cultures and employee efficiency and how cronyism strengthens or weakens the relationship in the Ghanaian state-owned enterprises (SOEs) in response to the employee efficiency. This study employs a quantitative approach to collect data from 400 workers in ten SOEs in Ghana. The findings indicate that showing gratitude is the predominant indigenous culture in these enterprises while irregularity (absenteeism) is not dominant. Moreover, the practice of cronyism is high. It reveals that the indigenous cultures, except for respect for the elderly, relate negatively to employee efficiency, and cronyism strengthens the relationship between indigenous cultures and employee efficiency.

I wish to thank all the authors for contributing their papers to this issue and the reviewers for their critical but constructive comments in helping the authors to improve their papers. Finally, I thank Emerald and our editorial team as well as the members of both Asia Pacific Editorial Board and International Editorial Advisory Board for their contributions in making the successful publication of this issue possible. We hope these papers will enhance the understanding of various issues on policy analysis, political-administrative and sustainable development issues across the Asia Pacific, America, Europe and Africa regions.

Peter K.W. Fong
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About the Editor-in-Chief

Professor Peter K.W. Fong, PhD (New York University), is President of Hong Kong Public Administration Association and Editor-in-Chief of PAP Journal. He teaches strategic management and supervises DBA students' dissertations of University of Wales TSD. He was appointed as Advisory/Visiting Professors by Tongji, Tsinghua, Renmin, and Tianjin universities in Mainland China, Chinese University of HK and HK Polytechnic University. He holds memberships of HK Institute of Planners & Planning Institute Australia. He was a Teaching Fellow of Judge Business School, University of Cambridge; Director of EMBA programme, HKU Business School; Associate Professor, Department of Urban Planning and Urban Design, HKU; Executive Vice President of City University of Macau; Honorary Professor, China Training Centre for Senior Civil Servants in Beijing; Studies Director, Civil Service Training & Development Institute, HKSAR Government; Visiting Scholar, MIT; and Consultants, the World Bank and Delta Asia Bank. Peter K.W. Fong can be contacted at: fongpeter@netvigator.com

Evaluating the policy response to curb the opioid prescribing behaviour of physicians in the United States

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Abstract

Purpose – In 2017, the opioid epidemic was declared a public health emergency in the United States. The federal and state governments are still struggling to contain the crisis through various legislations and to stem the tide of overdoses and deaths. This paper looks specifically at the issue of high prescriptions of opioids disbursed to patients by physicians.

Design/methodology/approach – This paper evaluates this evolving policy issue through a critical review and synthesis of academic literature, government policy documents (at states and national levels) and articles in the popular press.

Findings – Over-prescription is a legal problem because it inevitably leads to diversion of these substances for non-medical usage. The Prescription Drug Monitoring Program (PDMP) laws have been passed by all 50 states and the main policy responses are covered. However, there are hindrances to their effectiveness, which have to be addressed. Two state level policy alternatives are discussed as potential solutions — PDMP mandates and Pain Management Clinic Laws (PMCLs). After a comparative evaluation, it is recommended that all states should pass the mandatory PDMP review and usage laws urgently.

Originality/value – This is the first detailed policy evaluation on the specific and time-sensitive aspect of physician over-prescribing, within the larger opioid abuse problem. Moreover, critique on the public health leadership issue is raised.

Keywords Prescription opioid, Overdose, USA, Physician behaviour, Health policy, Public health leadership
Paper type Research paper

Background

The problem statement is that the high prevalence of prescription opioid misuse is the driving factor behind the ongoing opioid crisis in the United States. Part of the impetus in the indiscriminate prescribing of opioids came from an endorsement by the American Pain Society (APS) which claimed in 1995 that “Pain is the fifth vital sign” and must therefore be aggressively treated with a wider use of these drugs (Kolodny *et al.*, 2015). Invariably, the prescription drugs act as a gateway to other illicit opioids and frequently, diversion of legally procured opioids occurs for non-medical and recreational uses. Overall, opioid abuse translates into overdose and death. The policy objective that the author seeks to pursue in this paper is to appraise options to regulate and reduce the prescriptions dispensed for opioids to the patients. The intended social goal to be achieved from solving this problem is that the age-adjusted death rate from these prescriptions will decrease across all states and counties, loss in human productivity will lessen and overall and the nation’s healthcare costs for opioid misuse disorder treatment will decrease.



Extent and magnitude of the problem of abusing prescription opioids

The overall national opioid dispensing rate declined between 2012 to 2020, and in 2020, it had fallen to the lowest in 15 years, at 43.3 prescriptions per 100 persons. However, there are large variations in prescribing behaviours at the state and county levels. For instance, health care providers in Alabama typically write three times as many of these prescriptions per person as in the lowest prescribing state, Hawaii. In 3.6 percent of U.S. counties, enough opioid prescriptions were provided for every person to have one. Counties or local government jurisdictions with higher prescribing generally have some characteristics in common such as: they are smaller cities or larger towns, have a higher percentage of white residents, have a higher density of dentists and primary care physicians per capita, more people that are uninsured or unemployed and more people with diabetes, arthritis, or a disability.

Prescription opioid medications include three types: natural (morphine, codeine), semi-synthetic (hydrocodone, hydromorphone, oxycodone, and buprenorphine) and fully synthetic (fentanyl, methadone, and meperidine) among others. Because they impact the brain areas controlling emotions, opioid medications can induce feelings of euphoria and a person may quickly become addicted by taking them for long periods or at high doses. This in turn increases the chances of opioid use disorder (addiction), overdose, and death. In 2020 alone, 68,630 overdose deaths occurred from opioids (74.8 percent of all drug overdose deaths). 40 percent of these were from prescription-based ones such as oxycodone and methadone, among others. The use of prescription opioids, commonly measured by morphine milligram equivalents (MMEs) dispensed, increased from 27 billion MMEs in 1992 to 246 billion MMEs in 2011 and has decreased since then. An estimated 100 billion MMEs were dispensed in 2020. The declines in opioid prescribing, measured in MMEs per capita, were largest in states that had previously had the highest rates of opioid prescribing. From 2018 to 2019, every state experienced a decline in MMEs per capita. Even with the decline in the volume of opioid prescriptions dispensed, the amount of prescription opioids dispensed per million people per day in the United States is approximately four times the median for member countries of the Organisation for Economic Co-operation and Development. Opioid use disorder (OUD) or overdose has cost the nation almost 1 trillion USD by some estimates, in terms of human lives, loss in productivity, and in resources expended for treatments.

Values, perspectives, and stakeholders that have shaped public policy debate on this issue

In 2015, two economists from Princeton University in the United States, Anne Case and Angus Deaton, first pointed out that working-age white men and women without four-year college degrees were dying at unprecedented rates, of suicide, drug overdose, and alcohol poisoning, in what they dubbed as: “deaths of despair” (Case and Deaton, 2015). It was attributed to three reasons. First, misleadingly aggressive marketing tactics of pharmaceutical companies such as Purdue, the failure of the Food and Drug Administration in stopping them (Purdue) and eventually, some officers of the Drug Enforcement Administration and State attorney generals took up the gauntlet against them. The second reason is said to be the deindustrialization of much of rural and urban Appalachian region leading to mass joblessness, demoralization, and loss of employer-sponsored healthcare. These were the states of Arkansas, Kentucky, Mississippi and West Virginia, among others. In this second case, much of the blame is to be shared between employers and the healthcare sector. Employers found it cheaper to close factories or outsource to contractors rather than pay exorbitant health benefits. The third reason is said to be occupationally induced pain and injuries in the said population with limited financial recourse to treatment. Outcry from various non-profit and academic circles as well as the media, later caused the government to start taking the issue seriously. The focus was placed on addiction-treatment centers and suicide-prevention programs as these were the options

with least political implications. However, the rates of suicide and addiction remain very high. There are parallels here with the AIDs crisis of the nineties (Parker *et al.*, 2019). At the time, it was assumed that availability of HIV medicine would suffice, even without socio-behavioral interventions, this was shown to be a fallacy. Among opioid-addicted patients, non-adherence to treatment schedules is widespread.

Legislative history of the opioid crisis

In 2017, President Donald Trump declared the opioid crisis as a national public health emergency. Between 2016 and 2018, at least three federal laws were passed to address the crisis by lowering the demand for and supply of opioids and with this, public funds started getting appropriated towards the issue. These were: the Comprehensive Addiction and Recovery Act (CARA) of 2016; the SUPPORT for Patients and Communities Act (with SUPPORT standing for: 'Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment'); and the 21st Century Cures Act. CARA specifically, allocated \$50 million in grants towards improving PDMPs (Prescription Drug Monitoring Programs). Total federal funding for federal agencies such as the Department of Health and Human Services (HHS), aimed specifically at this issue, tripled between 2017 and 2020.

Healthcare laws are typically formulated in a cooperative mode at both the federal and state levels. The federal government often publishes advisory materials on key health topics and no direct intervention or allocation of funds will be made unless it is a matter of a public health emergency. Overall, policy responses to the opioid crisis may be categorised into six kinds of interventions (Parker *et al.*, 2018), namely: (1) Regulating prescribing behaviour (PDMPs, PMCLs and prescriber training); (2) Public education and drug take-back programs; (3) Responding to overdoses (with Naloxone access and Good Samaritan laws); (4) Expanding access to addiction treatment (through Medicaid coverage, non-medication treatment and syringe services); (5) Criminal penalties for traffickers and drug courts for users; and (6) Civil litigation against pharmaceutical companies and disciplinary action against physicians. By far though, the most important legislative response to the stated problem has been to set up the Prescription Drug Monitoring Program (PDMP) and curb over-prescribing. In the next section, the author discusses the modalities of this policy and the current state of implementation by states and the emerging evidence around its efficacy.

Prescription Drug Monitoring Programs

Prescription drug monitoring programs (PDMPs) are state-based electronic databases that capture prescriptions for controlled substances, including prescription opioids. The database is interconnected among payers, providers, pharmacies and law enforcement agencies. Currently, all 50 states have enacted a corresponding PDMP legislation and established a PDMP at the state level. State and federal laws and regulations allow PDMPs the authority to operate, detail the authorized users, and establish criteria for the querying and use of the PDMP data. The federal government has a centre, PDMP Training and Technical Assistance Center (TTAC), based at the Institute for Intergovernmental Research, which maintains a website that tracks developments across all PDMP infrastructure — <https://www.pdmpassist.org/State>. This website is funded through a grant from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. There is a Model Act 2020 provided by the federal government with the aim of giving guidance to state administrators when considering developing state laws. The TTAC also provides comprehensive quarterly and annual summaries of proposed and enacted laws and regulations affecting PDMPs. Doctors are expected to check the PDMP before prescribing opioids and pharmacies are expected to check before dispensing against a prescription; however, usage and review by

physicians and pharmacies are not at the desired levels hindering the effectiveness of the program.

Moreover, functionalities, data availability, interconnections with external databases such as law enforcement database and permissions for data access vary widely, indicating that implementation has been uneven and inconsistent at the states' level. For example, only 7 states currently have inter-state data sharing agreements with 41 to 50 partner states. Only 17 states have their databases linked to alternate data sources such as that of fatality from overdoses related data. Interconnection with other state/federal databases helps in data validation and better public health management. In all, 51 jurisdictions, with the exception of Kansas and South Dakota, mandate PDMP use by prescribers but only 23 jurisdictions mandate it for dispensers.

Policy alternatives

A 2021 report to the US Congress on states' challenges in Prescription Drug Monitoring Program (PDMP) implementation by the Centers for Medicare and Medicaid Services (CMS), outlined the current inadequacies of state level implementation. To effectively bridge this gap, an ex-ante assessment is conducted for two proposed policy alternatives as follows: (1) Mandatory PDMP review and use for prescribing and dispensing, and (2) Pain clinic laws. Note that both need to be passed and enacted at the individual state level.

Policy alternative 1: Mandatory PDMP review and use for prescribing and dispensing

Policy description. This policy alternative aims to close the current loopholes in the PDMP statutes of different states so that this system can seamlessly operate and help law-enforcement swiftly identify and punish the violators. It requires that states pass legislation to mandate not just enrolment, but also usage and review of the database by prescribing doctors and dispensing pharmacies before a prescription is released. There should be no restriction in data access for health care providers. States should pass additional laws such as for sending unsolicited reports to providers, licensing boards, regulatory and law enforcement agencies, as well as public and private insurers and pharmacy benefit managers. Data updates should be real-time and prompted by pharmacies and physician offices. States, third-party intermediaries, and interstate data sharing hubs should delineate the boundaries of legal rules that will facilitate the exchange of PDMP data with stakeholders in the PDMP network. States should ensure that all PDMP statutes address the privacy and security concerns of patients.

Legislative history. In 1972, the state of New York passed its Controlled Substance Act, also known as the Rockefeller Laws. It required the establishment of a PDMP, the legality of which was immediately brought under challenge. The final judgement in this matter was passed by the Supreme Court ([Supreme Court of United States, 1977](#)), which unequivocally stated that the PDMP was not unconstitutional, and that collection of this information did not violate patient confidentiality. This law paved the way for subsequent states passing PDMP laws, namely Virginia, in 2002, with others following suit. The issue that still persists however is that most states have not mandated the usage of the PDMP, despite this protection provided by the judiciary. One reason may be that political lobbies and legislators may have prevented this.

Evidence and operational feasibility. [Buchmueller and Carey \(2018\)](#) investigated the effects of state PDMPs on Medicare claims. The authors find that a PDMP that has a mandatory review clause attached to it, significantly reduces doctor shopping behaviour. Doctor shopping is a behaviour in which a patient seeks out multiple medical providers to gain illicit access to prescription medicines ([Sansone and Sansone, 2012](#)). In Kentucky, there is robust

evidence of PDMP mandates reducing prescribing rate for the patient sub-population with the highest past incidence of OUD mortality, i.e., ages 25-54 (Gupta *et al.*, 2022). The trade-offs in this solution are mostly in respect of patient privacy. The expansive surveillance and data sharing that we propose can directly clash with HIPAA rules. These create multiple complications for privacy officers in various state departments, hospitals and pharmacies that are stakeholders in the PDMP.

Political feasibility. Private hospitals, doctor practices and pharmacies may be unwilling to share details about their patients' and treatments. This law poses several adverse potential circumstances to the current business model of 'over-treatment' that the healthcare industry engages in. I certainly also foresee that pharmaceutical companies may not be very enthused about this transparency requirement in respect of their sales. This is because, in the future, the PDMP may have far-reaching consequences not just for controlled substances, but other drugs as well. Consequently, it is possible that private sector lobbies may become active against these statutes.

Challenges in implementation. Some of the implementation challenges with respect to this policy alternative are germane to the technical design of the PDMP system itself. The first challenge is that in a situation where patients can travel to other states for filling prescriptions, it is not useful if the state PDMP does not have data sharing agreements with other states (PDMP Training and Technical Assistance Center, 2021). The second challenge is with respect to data inter-operability standards; it is important that the PDMP be integrated with hospital electronic health record (EHR) systems so that doctors may easily use it (Department of Health and Human Services, 2013). Both of these aspects have faced resistance from the industry, providers or other parties in light of current patient privacy rules.

Policy alternative 2: Pain clinic laws

Policy description. Pain Management Clinic Laws (PMCLs) are state policies designed to regulate practices that primarily treat chronic pain and to target high-volume suppliers of prescription pain medication (Chisom, 2020). Based on the most current data available from the PDAPS (Prescription Drug Abuse Policy System), a policy surveillance centre sponsored the US National Institute on Drug Abuse (NIDA), there are only 12 states that have passed some form of these laws (PDAPS 2018). Some key features in these laws pertain to mandatory checking of the PDMP, physician ownership requirements of the practice, drug testing requirements on patients and inspections of the clinics by government officials. By imposing stringent requirements on opioid disbursement through PCMLs, states can keep an eye on those clinics designated as 'high-risk, that disproportionately account for high-volume prescriptions. There are some associated laws that interface with pain clinic laws; 38 states have put in place some sort of limits on days' supply of opioid that can be prescribed to patients.

Legislative history. Florida was the first state to pass laws regulating 'pill mills' in 2010 and 2011. These clinics were associated with 81 percent of all substance use disorder related deaths in the state in 2010. A physician prescribing opioid could make thousands of dollars in a day, often in cash, and owners and physicians could afford expensive defense attorneys. Analysis of extensive geo-coded data from police departments in Florida consistently showed that new and closed Pain Management Clinics (PMCs) and community pharmacies were clustered along violent crime hotspots (Gau *et al.*, 2017). Laws allowing law enforcement agencies to seize assets and a collaborative approach with a prosecutor involved from the beginning of an investigation were some things that were put into practice. The implementation of these laws resulted in the closure of nearly 250 clinics in Florida over the course of the next 3 years (Johnson *et al.*, 2014). Evidently, the implementation had support

from both parties, including the justice department and the law enforcement agencies. However, there has been no parallel legislation at the federal level. The CDC recently published high-level guidelines for regulating PMCs ([Centers for Disease Control and Prevention, 2016](#)) along with detailed guidelines for physicians to treat pain with minimal use of opioids. Laws regulating dosage have been more extensively adopted by states that have shied away from directly taking action against pain clinics.

Evidence and operational feasibility. [Chisom \(2020\)](#) studied data from 12 states with PCMLs as of 2018, over four years following the implementation of PMCLs. He found that PMCLs typically reduce the availability of these medicines by 13 percent, and decreases admissions to specialty treatments for overdoses by 27 percent. Likewise, [Rutkow et al. \(2015\)](#) put forth that the simultaneous implementation of pill mill laws and PDMPs had a statistically significant effect on high-risk providers compared to low-risk providers. It can be inferred that the stakeholders most likely to benefit from PMCLs are the law enforcement agencies. States where there is a strong correlation between drug abuse and crime may be benefitted by these laws. There are also few trade-offs. The first trade-off is that genuine patients with pain and patients with cancer would have to face hardship in procuring the required medicines. A second trade-off is that the quantity of opioids distributed in bordering states tend to markedly increase. Third, some researchers also found evidence of increase in overdose deaths from heroin, indicating potential spill-overs to illegal opioids.

Political feasibility. Various government agencies have taken appropriate steps that can bolster the regulation of pain clinics. For example, the Centers for Medicare and Medicaid Services (CMS) removed pain management questions from the HCAHPS survey (Hospital Consumer Assessment of Healthcare Providers and Systems), signifying the shift in medical thought that pain management, especially in the case of non-cancer pain, is not a goal in itself. Subsequently, the Centers for Disease Control and Prevention (CDC) have published a set of guidelines for prescribing opioids for chronic pain conditions ([Dowell et al., 2022](#)). This is relevant and applicable to pain clinics. The Federation of State Medical Boards, which is a professional organization maintains a consolidated tracker of all laws and guidelines passed by each state in reference to the management of chronic pain. It may be said that support from the non-profit and government sector is high for these laws. I believe that in the current political atmosphere, there is strong likelihood that these laws will get passed in other states if introduced as legislation.

Challenges in implementation. One recent court judgement raises some challenge to prosecuting under the PMCLs ([Lopez, 2022](#)). The judges sided with doctors arguing that prosecution must strive to better prove 'intent' to harm patients or diverting medicines to non-medical usage by prescribing excess opioids. This implies that the law is currently weakly designed and may need more amendments and details to be useful in regulating PMCs. Further, enforcement requires substantial manpower and fund commitments in conducting the investigations ([Ramirez, 2011](#)).

Policy recommendation and conclusion

The author recommends that all of the states that have not yet mandated PDMP review urgently pass the required legislation and implement it. Policy alternative 1 is more critical and sensitive to time. Both laws are politically contentious because of their far-reaching repercussions. With respect to the pill mill law (policy alternative 2), even though Florida is a classic case study about its usefulness, more work will be needed to make the law useful for prosecution in other states. Besides, all PMCLs necessarily require usage of PDMPs if they have to be effective. As such, policy alternative 1 should be of higher priority for states.

Three suggestions are further proposed in making the PDMP program more effective to curb the erratic prescribing behaviour. First, the PDMP vision at state level should be made

after consulting best practices and incorporating maximum functionality in its information technology infrastructure. See Colorado's vision document for a model PDMP network structure ([Office of e-Health Innovation, 2020](#)). The second suggestion is that Inter-state data sharing agreements should be in place with all states, that is the state PDMP systems should be interlinked as comprehensively as possible at the federal level. Third, the Overdose Fatality Reviews (OFRs) database should be interlinked with the PDMP databases. Currently the PDMP systems are not integrated with OFRs; with this functionality it would be possible to directly link deaths to the prescription providers with criminal liability. This study has important implications for public health leadership ([Page, 2016](#)). Based on how the policy prescriptions fare in the United States, other nations may also emulate these policies for solving their opioid related problems in the future.

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Citizens' trust and digital attitudes: evidence from city digital transformation in Shanghai, China

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Abstract

Purpose – Based on the theory of trust and cost-benefit perspective, this paper examines the relationship between citizens' trust and their digital attitudes by considering the mediating effects of performance expectancy and perceived risk, as well as the moderating effect of media use.

Design/methodology/approach – The city digital transformation in Shanghai is chosen as the case in this study. 466 questionnaires were collected through a survey, with Structural Equation Modeling to test the hypotheses in AMOS.

Findings – Citizens' trust of government and trust of technology has no significant direct effect on their digital attitudes. However, performance expectancy mediates between the trust of government and digital attitudes, and perceived risk mediates the effect of trust of technology on attitudes. The use of social media significantly moderates the association between trust of technology and citizens' attitudes.

Originality/value – Exploring why citizens shape supportive attitudes toward digitalization is critical to achieving digital governance goals in developing countries, especially large cities where digital transformation is accelerating. The originality lies in using cost-benefit analysis as a perspective and media use as a moderator to examine the mechanisms of citizens' trust and digital attitudes.

Keywords Trust, Digital attitudes, Citizen engagement, City digital transformation, Cost-benefit analysis, Shanghai, China

Paper type Research paper

Introduction

Digitalization is affecting human society with an irreversible trend. Information technology has become the driving force of modern state development, and the change triggered by technology can be called digital transformation. This phenomenon is particularly obvious in developing countries (Alkrajji and Ameen, 2022; Tassabehji *et al.*, 2019). In China, Shanghai has initiated the city digital transformation, emphasizing technological embedding, structural reform, and value creation. City digital transformation is committed to promoting service process simplification through emerging technologies, gaining insights into public demands to provide precise services (Curtis, 2019), and pursuing people-centric development (Ji *et al.*, 2021).



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Various studies have shown that digital transformation is a complex process that requires the involvement of governments and other stakeholders in developing strategies (Ziozias and Anthopoulos, 2022). In the context of smart city, some scholars have identified research gaps in ICTs governance and have indicated the importance of open data for digital government and trust (Claudio Diogo Reis *et al.*, 2021). Similarly, a collaborative government approach to develop and monitor the implementation of digital government strategies is crucial for the city digital transformation (Mahmoud Ali and Meyerhoff Nielsen, 2021). The goal of digital transformation is to narrow the boundaries of governments, which is important for citizens' trust and digital attitudes, but may also lead to conflicts between central and local governments. These literatures reveal the relationship between government, technology, and citizens in the city digital transformation.

Citizens' digital attitudes represent their perceptions of programs, policies, technologies, and even various actors in digital transformation. As digital transformation is a series of government projects, citizens' attitudes largely determine the outcome of transformation. Some studies have found that the development of information technology may trigger positive or negative public opinions (Janssen and Kuk, 2016). City digital transformation can improve governance, promote economic growth, and enhance city competitiveness; it will also bring negative concerns, such as information leaks, digital divide, and cost burden (Jang and Gim, 2022). Therefore, citizens' attitudes toward digital transformation are still being determined.

The factors influencing citizens' digital attitudes have received attention (Park and Chen, 2007; Zhang *et al.*, 2014). Trust is the expectation that individual or group is committed to being relied on, which has been explored as an essential element in studies on the digitization of government services in developing countries (Li, 2021). However, it is hard to understand trust accurately if we discuss citizens' trust in a general view (Esaiasson *et al.*, 2021). Some scholars distinguish citizens' trust from cognitive and affective perspectives (Miao *et al.*, 2014), but less attention is paid to the trust of different actors in city digital transformation. Based on a questionnaire survey conducted in Shanghai, this study addresses the following questions: Does citizens' trust affect their digital attitudes? If so, how does it work? Data from Shanghai were used to enrich micro-study of city digital transformation and to provide insights for policy practice.

Literature review

Trust and citizen engagement in the digital age

The concept of social capital has been used in psychology, management, political science, and other disciplines because of its proven benefits for economic, social, and public policy improvement (Adler and Kwon, 2002). Social capital is defined as "the actual and potential resources that actors have in the structure of their social relationships", and it includes networks or cooperation as well as trust and reciprocity norms (Putnam *et al.*, 1992). Thus, trust is an essential part of social capital theory and is related to individual behavior and social development. Expectations and beliefs about the intentions and trustworthiness of others are elements in most definitions of trust (Cairney and Wellstead, 2021).

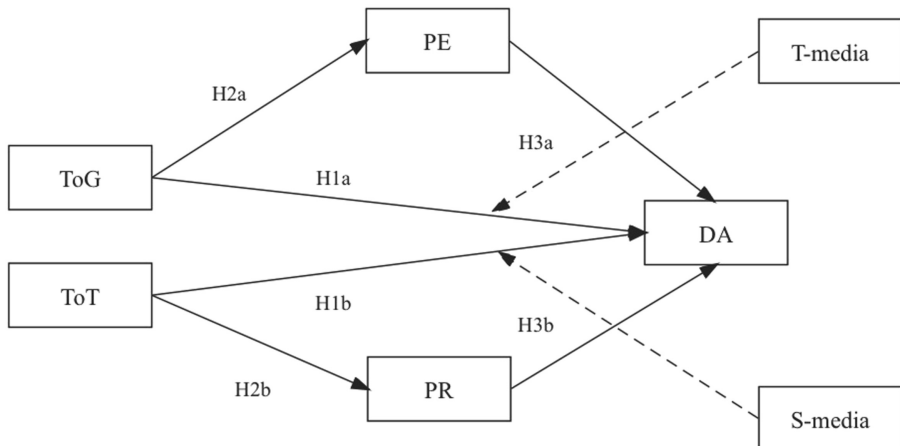
Previous work has described trust formation around cultural, social, and economic foundations, but the digital age emphasizes the technological foundations of trust. As information technology has evolved from the Internet to Big Data and Artificial Intelligence, more studies have focused on how technology shapes trust and how trust affects technology adoption (Mostafa and Kasamani, 2022), which have been conducted from two approaches. The first is to explore the impact of information technology on the types and content of trust, such as smart trust, digital trust, and technology trust (Mcknight *et al.*, 2011). Second, several developing countries are moving towards an era of digital governance, which makes it urgent

to discuss whether information technology plays a positive or negative role in trust (Khan *et al.*, 2017; Li, 2021).

When turning the perspective to the field of public administration, existing studies have also analyzed the roles of trust. For example, it is argued that trust positively impacts collaborative governance and citizen engagement based on social capital theory (Warren *et al.*, 2015). Some others took trust as a dependent variable to analyze why citizen engagement affects it (Cairney and Wellstead, 2021). Among the mediating role studies, it was found that trust mediates between the perception of risk of AI and public participation (Choung *et al.*, 2023). In the context of the integration of information technology into and its influence on the social networks of multiple actors such as government, citizens, and enterprises, scholars have gradually focused on trust and citizen engagement related to digital government, e-government, and digital public services (Carter and Bélanger, 2005; Mahmood, 2016). These studies analyze the relationship between trust and changes in citizens' attitudes and behavior.

Research gaps

Several research gaps can be identified from the literature review. First, although studies have explored the role of trust in citizen engagement (Alkrajji and Ameen, 2022; Smith *et al.*, 2013), there is less concern about how it affects. Second, scholars focus more on trust and citizens' behaviors in a general setting. In the context of city digital transformation, it is necessary to enrich the studies on trust and citizen support. Third, relevant studies in developing countries are more concerned with citizens' acceptance and use of technology or platforms (Zhu *et al.*, 2021; Ziba and Kang, 2020). While there are studies on the city digital transformation, little is known about its situation in China. As governments apply information technology to improve governance and pursue "people-centered" public values (Ji *et al.*, 2021; Khan and Krishnan, 2021), exploring how citizens develop supportive attitudes toward digitalization will be essential for achieving transformation goals. The author thus proposes the hypotheses based on these gaps (Figure 1).



Note(s): ToG = trust of government, ToT = trust of technology, PE = performance expectancy, PR = perceived risk, DA = digital attitudes, T-media = use of traditional media, S-media = use of social media.

Source: By author

Figure 1.
Research model

Research hypotheses

Trust in smart cities or digital public services is linked to government, technology, and risk (Papadopoulou *et al.*, 2010). In the case of e-government, citizens' trust can be divided into trust in the public sectors that provide services and trust in digital platforms or technologies that provide information, such as the Internet, government websites, and mobile government APPs (Li, 2021). Because the remote and contactless services enabled by digitalization require a premise of citizens' trust in the organizations that provide them, which means that transparent and open interactions between government and citizens will enhance citizens' trust and acceptance of digital transformation. Trust in the public sector is therefore usually seen as a key predictor of e-government adoption and policy support (Carter *et al.*, 2016; Carter and Bélanger, 2005). In addition, the digital transformation process may also face uncertainties triggered by Big Data and Artificial Intelligence. Lack of technological trust is a challenge for city digital transformation, especially in scenarios involving financial or private information (Carter and Bélanger, 2005). Based on the literature review, the following hypotheses were proposed.

H1a: Citizens' trust of government positively influences their digital attitudes.

H1b: Citizens' trust of technology positively influences their digital attitudes.

Most studies on government, technology, and citizens explore why citizens adopt or use government-provided technology platforms and public services based on the Technology Acceptance Model and Diffusion of Innovation Theory (Al-Hujran *et al.*, 2015). These analytical frameworks have been widely applied in micro-level analyses of e-government, digital government, and digital transformation in China and Western contexts (Li, 2021). From a cost-benefit perspective, performance expectancy is the utility citizens believe they can derive from city digital transformation, and perceived risk is the potential costs they may have to pay. Trust is vital in changing citizens' perceptions of risk and uncertainty (Li *et al.*, 2008). When citizens trust the public sector and information technologies in digital transformation, the perceived risk could be decreased (Bélanger and Carter, 2008). Trust also enables citizens to believe that service providers have the ability and integrity to provide quality services (Zhou, 2014). Therefore, this study incorporates citizens' trust into this mechanism. When citizens trust the public sector that implements city digital transformation programs, they are likely to have higher expectations of the usefulness of the policies and support digital initiatives; citizens' trust in technology may also influence their risk perceptions and digitalization attitudes. The following hypotheses can be proposed.

H2a: Citizens' trust of government influences their digital attitudes through performance expectancy.

H2b: Citizens' trust of technology influences their digital attitudes through perceived risk.

The rapid development of information technology has expanded citizens' channels of online access to information and services. Scholars studying digital public services have found that media has a more significant impact than interpersonal communication (Dimitrova and Chen, 2006). Some studies argue that the more informed citizens are, the more trustful they are of government and the more likely they are to accept technology or related public services (Buell and Norton, 2013). However, differences in information sources can affect their perceptions of new technologies and controversial issues (Cui and Wu, 2021). Traditional media usually consists of newspapers, magazines, and television news. They are always considered to present information reliably and are more trusted by citizens to publish information on politics or policies (Johnson and Kaye, 2014). Social media generally refers to information channels or platforms built on the Internet. In China, people can obtain information through

platforms like Weibo and WeChat public accounts (Gong Zhong Hao). The opinion-oriented content of social media would trigger citizens' interest perceptions and policy support for digital transformation (Cui and Wu, 2021).

H3a: The use of traditional media moderates the relationship between citizens' trust of government and digital attitudes.

H3b: The use of social media moderates the relationship between citizens' trust of technology and digital attitudes.

Methodology

Samples and data

China is one of the developing countries to initiate e-government. Traced to the 1980s, China's governmental information institutions have gradually developed. In 1983, the central government established the information management office, which was responsible for planning and constructing the national information management system and the overall laws and regulations. China launched the "Three Gold Projects" around constructing information technology infrastructure and communication networks in 1993. The leading group on cybersecurity and informatization was established in 2014 to drive the development of e-government into a new era. Overall, China's digital transformation is in the exploratory stage, which is universal and specific compared to other developing countries. For example, China's top-level digital strategy is formulated by the central government, and under the guidance, local governments implement digital programs appropriate to their conditions, including "overall smart governance" in Zhejiang, "digital pioneer city" in Shenzhen, and "One Network for All" in Shanghai. When local governments' digital initiatives become effective, the central government will push for and promote them. In particular, the central and local governments in China are attempting to address the lack of transparency of information systems, the ineffectiveness of government platforms, and the lack of accountability of the public sectors in order to gain over citizens' trust and support as they face digital transformation.

Shanghai is chosen as a basis to investigate the mechanisms of citizens' trust and digital attitudes for the following reasons: First, Shanghai is considered a typical city for digital transformation in China because of its distinctive characteristics. Its digitalization program, which to some extent reflects China's digitalization strategy, is written into the government work report. However, Shanghai's digital transformation has also suffered from weaknesses that most Chinese cities have, such as barriers in the public sector and duplication of platforms. Second, Shanghai is one of the four directly controlled municipalities in China, and its local digital government projects are more easily observed than in normal cities. Third, Shanghai's digital transformation involves three dimensions: economy, governance, and life, and has a greater impact on citizens. Thus, this study can provide insights into how to handle the relationship between citizens' trust and digital attitudes in developing countries, especially in cities with rapid digital transformation.

A survey was conducted in Shanghai from August to September 2021. The questionnaire was collected through a research platform "Netease DINGWEI". The samples were selected by location verification and questions set for validity testing. After excluding 110 questionnaires that did not match the location requirements, a total of 562 questionnaires were collected. The questionnaires were then selected based on response time, extreme values and test items and finally obtained 466 questionnaires with a valid recall rate of 82.92 percent.

Measurements

The measurement scales for each variable from previous studies were drawn. The measurement scales were initially developed in English. All scale items were translated into Chinese using standard translation-back-translation methods and invited scholars in the field of digital government and e-government to make corrections. All variables predicted in the study except media use were measured on a five-point Likert scale, with 1 being strongly disagree and 5 being strongly agree.

(a) Citizens' trust

This study defines citizens' trust in city digital transformation as individuals' confidence in the dependability of a specific actor, which is distinguished into the trust of government (ToG) and the trust in technology (ToT). The scale of ToG is adopted from the research findings of [Habib *et al.* \(2020\)](#). The four items used in this study to measure ToG have a Cronbach's alpha of 0.89, with one of the items being, "Government always prioritizes the interests of its citizens." With a total of four items, [Carter and Bélanger \(2005\)](#) measured ToT and obtained a Cronbach's alpha of 0.92. One of the items is, "City digital transformation provides secure applications, functions, and services."

(b) Performance expectancy

Performance expectancy (PE) is the extent to which individuals believe that actions will help improve their task performance. This research adopted four items to measure PE used by [Venkatesh *et al.* \(2010\)](#) and [Mansoori *et al.* \(2018\)](#). The Cronbach's alpha of this scale is 0.87. One of the items is, "Using the applications, features, and services of the city digital transformation will improve the efficiency of my business."

(c) Perceived risk

Perceived risk (PR) is considered to be the individual's perception of the uncertainty and adverse consequences associated with the use of technology, services, etc. This study employed a four-item scale to measure perceived risk, used by [Martins and Oliveira \(2014\)](#) in the context of technological innovation. An example item is "Many uncertainties are associated with using an APP, technology, or service related to city digital transformation."

(d) Citizens' digital attitude

Attitude as a psychological condition has been widely explored in various disciplines, and citizens' digital attitudes are defined as individuals' views on the government, policies, technologies, and platforms involved in digital transformation. Citizens' digital attitudes (DT) were measured by five items ([Chen *et al.*, 2016](#); [Park and Chen, 2007](#)), in which Cronbach's alpha is 0.94. An example item is, "I think the city digital transformation program proposed by the government is a good idea."

(e) Media use

Media use is divided into the frequency of traditional media (T-media) use and the frequency of social media (S-media) use. Respondents were asked to answer two 7-point scale items to obtain more accurate results, "Please rate how often you get information through traditional (social) media." with 1 indicating never and 7 indicating always.

(f) Control variables

Consistent with the previous studies ([Al-Hujran *et al.*, 2015](#); [Li, 2021](#); [Zhang *et al.*, 2014](#)), respondents' demographics (age, gender, social economic status, and educational level) were used as control variables.

Data analysis strategy

This study ran Structural Equation Modeling (SEM) in AMOS to examine the measurement models and structural relationships. The SEM analysis strategy provides both outcomes of factor analysis and regression analysis (Hair *et al.*, 2007). In addition, AMOS can process complex correlations, such as mediation and moderation.

Robustness checks

The potential effect of multicollinearity in the research data set was investigated, and the outcomes show a little impact of multicollinearity (VIF = 0.56 for ToG, 0.60 for ToT, 0.69 for PE, 0.86 for PR, 0.83 for T-media and 0.80 for S-media). Furthermore, common method bias (CMB) was assessed using guidelines of Podsakoff and Mackenzie (2003). Harman single-factor method was used. There are four factors with eigenvalues higher than 1, with a total accumulated variance contribution of 58.60 percent. The variance extracted for the first factor is 33.13 percent, which is less than 40 percent of the cut-off criterion. Thus, CMB do not exist in the study.

Results

Descriptive statistics and correlation

Table 1 depicts the characteristics of the final respondents (466). 41.2 percent are male, and 58.8 percent are female. Based on respondents' educational level, 299 (64.16 percent) have a bachelor's degree, and 62 (14.16 percent) hold a master's degree or above. Table 2 shows the correlations of the main variables. The results support the prediction and indicate that structural analysis can be conducted.

Variables	Frequency	Percentage
<i>Gender</i>		
Male	192	41.20
Female	274	58.80
<i>Age</i>		
Below 20	5	1.07
20-30	109	23.39
30-40	269	57.73
40-50	58	12.45
Above 50	25	5.36
<i>Educational level</i>		
Junior high school (or under)	3	0.64
Senior high school	26	5.58
Three-year college	72	15.45
Bachelor's degree	299	64.16
Master's degree	62	13.30
Doctoral degree	4	0.86
<i>Annual income (RMB)</i>		
Below 30,000	37	7.94
30,000-100,000	85	18.24
100,000-200,000	207	44.42
200,000-300,000	94	20.17
300,000-500,000	30	6.44
Above 500,000	13	2.79

Table 1.
Respondents'
demographic

Source: By author

Model evaluations

The values of factor loading (FL), composite reliability (CR), Cronbach's alpha (CA), and average variance extracted (AVE) were applied to assess validity and reliability following the suggestions of Hair *et al.* (2007). All measures are validated as reliable because the CR and CA values are over the threshold for a reliable instrument (0.70). Additionally, FL and AVE values exceed 0.70 and 0.50, respectively, demonstrating the convergent validity of the study instruments (Table 3).

As shown in Table 4, the structural model's results (CFI = 0.915, NFI = 0.863, GFI = 0.901, RMSEA = 0.055, $\chi^2/df = 2.383, p = 0.000$) indicate that it is well-fitting and meets the cut-off criterion suggested by Hair *et al.* (2009).

Mediating effects

After the structural model was accepted, the maximum likelihood approach in AMOS was used to estimate the standardized path values (Table 5). The results suggest that citizens' trust of government significantly influences their performance expectancy ($\beta = 0.547, p < 0.05$) and that

Variables	Mean	SD	ToG	ToT	PE	PR	DA
ToG	4.357	0.592	-				
ToT	4.286	0.621	0.596***	-			
PE	4.449	0.463	0.507***	0.411***	-		
PR	3.071	0.969	-0.264***	-0.300***	-0.281***	-	
DA	4.457	0.445	0.474***	0.349***	0.708	-0.312***	-

Note(s): N=466. * p -value<0.05, ** p -value<0.01, *** p -value<0.001.
Source: By author

Table 2.
Correlation analysis

Variables		Loadings	Estimates	S.E	Alpha	C.R	AVE
ToG	ToG1	0.741	1		0.83	0.838	0.565
	ToG2	0.67	0.949	0.069			
	ToG3	0.773	1.168	0.073			
	ToG4	0.816	1.173	0.07			
ToT	ToT1	0.739	1		0.86	0.846	0.579
	ToT2	0.738	1.303	0.086			
	ToT3	0.79	1.203	0.075			
	ToT4	0.776	1.259	0.08			
PE	PE1	0.668	1		0.74	0.817	0.531
	PE2	0.607	0.923	0.082			
	PE3	0.778	1.005	0.079			
	PE4	0.841	1.046	0.088			
PR	PR1	0.79	1		0.87	0.866	0.618
	PR2	0.729	0.884	0.056			
	PR3	0.811	1.007	0.057			
	PR4	0.814	1.034	0.058			
DA	DA1	0.726	1		0.84	0.848	0.528
	DA2	0.756	1.025	0.099			
	DA3	0.774	1.096	0.089			
	DA4	0.682	0.873	0.091			
	DA5	0.699	0.985	0.096			

Source: By author

Table 3.
CFA results

performance expectancy also has a significant positive effect on citizens' digital attitudes ($\beta = 0.918, p < 0.05$). Meanwhile, there is a negative relationship between trust of technology and citizens' perceived risk ($\beta = -0.704, p < 0.05$), and perceived risk can reduce citizens' digital attitudes ($\beta = 0.059, p < 0.05$). However, the results do not report a significant impact on trust of government and trust of technology on citizens' digital attitudes ($\beta = -0.036, p > 0.10; \beta = -0.062, p > 0.10$, respectively). Thus, H1a and H1b could not be supported.

To estimate indirect effects, this study conducted the mediation analysis using the bias-corrected bootstrap (2000 iterations) method according to Hayes and Preacher (2010). As is shown in the mediation results (Table 5), performance expectancy is a significant factor in the indirect association between citizens' digital attitudes and trust in the government (indirect effect = 0.502, CI = 0.075 to 0.343), thus supporting H2a. Similarly, trust of technology can affect attitudes (Indirect effect = 0.101, CI = 0.017 to 0.763) through perceived risk. This finding supports H2b. Hence, the mediation analysis confirms significant associations between citizens' trust and digital attitudes through a cost-benefit consideration.

Moderating effects

The moderating effect of media use was further examined (Table 6). First, this study centered the independent and moderating variables and then multiplied the independent and

Table 4.
Model fitness
indicators

Fitness indices	CMDI/DF	CFI	RMSEA	P-value	NFI	GFI
Structural model	2.383	0.915	0.055	0.000	0.863	0.901
Cut-off criterion	<3	>0.80	<0.08	<0.05	>0.80	>0.80

Source: By author

Table 5.
Mediation results

Paths	Estimate	S.E	Lower CI 95%	Upper CI 95%	p-value
ToG→PE	0.547	0.079	0.401	0.715	0.001
ToT→PR	-0.704	0.102	-0.926	-0.519	0.001
PE→DA	0.918	0.139	0.697	1.231	0.001
PR→DA	-0.059	0.019	-0.097	-0.023	0.001
ToG→DA	-0.036	0.097	-0.227	0.175	0.660
ToT→DA	-0.062	0.080	-0.233	0.071	0.438
	Indirect effects	S.E	Lower CI 95%	Upper CI 95%	p-value
ToG→PE→DA	0.502	0.014	0.075	0.343	0.001
ToT→PR→DA	0.042	0.101	0.017	0.763	0.001

Source: By author

Table 6.
Moderation results

Paths	Path coefficient	S.E	C.R	p-value	Results
ToG→DA	-0.036	0.097	-0.445	0.660	Not significant
T-media→DA	0.015	0.010	1.601	0.109	
ToG*T-media→DA	0.918	0.139	0.697	1.231	
ToT→DA	-0.062	0.080	-0.959	0.338	
S-media→DA	0.015	.010	2.008	0.045	
ToT*S-media→DA	0.041	.014	2.886	0.004	Significant

Source: By author

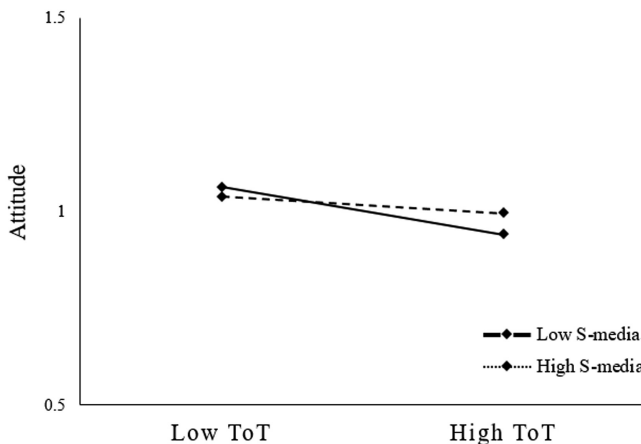
moderating variables to construct interaction terms. The results indicate that the use of traditional media has no moderating effect on the relationship between trust of government and attitudes. Meanwhile, the use of social media positively and significantly moderates the association between trust in technology and citizens' digital attitudes. Thus, H3a could not be proved, while H3b is supported.

To illustrate the moderating effect more clearly, respondents were divided into two groups, those with low and high social media use, and then graphed. Figure 2 suggests that social media use has a more significant impact on citizens with a high level of technology trust than those with a low level of technology trust.

Discussion and conclusion

This paper aims to investigate the impact of citizens' trust on their digital attitudes from a cost-benefit perspective. The results show no direct effect of citizens' trust on their digital attitudes. This is different from the findings of previous studies (Carter and Bélanger, 2005; Mansoori et al., 2018). A possible explanation is that while e-government has been developed in China for decades, Shanghai's city digital transformation program has been proposed for a short time and covers a more complex area where citizens' understanding is still relatively limited. Citizens' trust of government and technology depends on specific technological tools and perceptions to convert into their attitudes and behaviors toward digital policy.

First, citizens' trust of government affects digital attitudes through performance expectancy, which is consistent with most existing studies (Khan et al., 2017; Li, 2021; Mansoori et al., 2018). Performance expectancy indicates the benefits that digital transformation can bring to citizens, such as increased efficiency in accessing high-quality public services. In countries such as China, the government still primarily dominates the production and delivery of public services. Therefore, citizens' trust of government is correlated with performance expectancy, which undoubtedly affects their attitudes toward the policy proposed by the government. Second, trust of technology affects digital attitudes through perceived risk, which supports the findings of some previous studies (Xie et al., 2017; Zhu et al., 2021). Perceived risk implies citizens' expectations of potential costs, like privacy leaks and economic damages. As citizens become more trustful of technology, their risk perceptions decrease, and hence their attitudes should become more positive.



Source: By author

Figure 2. Moderating effects of social media use

Moreover, it has become a trend for the media to intervene in digital life (Mu *et al.*, 2022). The conclusions show that the use of traditional media does not have a moderating effect; instead, the use of social media has a significant positive moderating effect. One possible reason for this is that traditional media in the China context convey more standardized and authoritative information (Chen and Sun, 2019). However, more is needed to enable citizens to perceive the convenience of digital public services. In Shanghai, much of the information about the city digital transformation is disseminated on social media, such as public websites and various APPs, which means that social media are more directly related to the city digital transformation. When citizens use these social media to receive positive information, they will be more likely to perceive the advantages and convenience of digital transformation.

While many developing countries have made achievements in the digital transformation of public services, they are also challenged with an urgent and practical issue: How to improve citizens' attitudes toward digitalization and increase their participation as digital transformation accelerates? Early studies on citizen engagement in a digital context focused on the two main areas of digital government or e-government (Ziba and Kang, 2020). Citizens' trust should not be neglected in a society where government and citizens interact in an orderly way, that is, whether citizens support the digital programs proposed by the government is a topic worth exploring.

The theoretical implications of this paper are two-folded. First, city digital transformation begins with government practices, and scholars are more concerned with macro-level issues. For developing countries, micro-level studies on citizens are still lacking. From a cost-benefit perspective, social capital theory and trust theory are used to explore the relationship between citizens' trust and digital attitudes in the context of city digital transformation in Shanghai, enriching the study of trust and citizen participation in the digital era. Second, an analytical framework based on cost-benefit perceptions is proposed. Which, performance expectancy and perceived risk are individual psychological factors, while media use is social factor. The importance of considering citizens' trust not only in terms of both government and technology dimensions but also in relation to citizens' perceptions of public services and information technology and the role of the social environment.

Exploring the impact and mechanisms of citizens' trust in digital attitudes can guide the public sector to optimize digital policy and improve public service practices. First, building a trustworthy image of government and technology can raise performance expectancy and reduce perceived risk. The more citizens trust the government, the stronger the perception that policy is in their interest, and the more they take positive support actions. Technology trust serves to help citizens avoid excessive risk concerns, so confidence in a government's ability to deliver secure digital public services is a motivator for developing positive attitudes. During the COVID-19 pandemic, for example, many city governments, including Shanghai, launched digital health services, such as health codes and tripcodes. However, health codes in some provinces like Shandong and Fujian crashed and users were unable to open them, at the same time, rumors that there was a risk of information leakage when using those codes were spread. Relevant local authorities in some cities did not deal with these problems promptly, leading citizens to develop negative attitudes; while governments in other cities that quickly fixed technical problems and dispelled rumors were better able to promote the technology and digital health programs.

Second, considering the advantages of social media, governments, and societies should consider conveying information about the city digital transformation to citizens through social media. As the public sectors become active on social media, explanations of city digital transformation and its benefits can expand the acceptability of policies. Social media can deliver information quickly and directly, and more diverse and novel content on digital policy will enhance perceptions of the positive effects of digital transformation. As of December 2022, China had 926 million users of online government services, over 130,000 government

websites including the central government, 145,000 government microblogs (Weibo), and every provincial government has built a government services APP. Thus, local governments should effectively use social media and digital platforms when advocating their digital programs to demonstrate to citizens the public value and personal benefits, such as providing more digital public services. The central government should not only make overall strategic plans for digital transformation but also provide more authoritative and positive interpretations through official social media, like People's Daily and Xinhua Agency's WeChat public accounts.

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Agencification, policy reversal and the reforms of the French health care system

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Abstract

Purpose – Often linked to the New Public Management (NPM) doctrines, agencification has been on the priority list of policy makers for over two decades. This article proposes an analysis of the role of agencies in the French health system and the impact of government agency reform on physicians and the public.

Design/methodology/approach – The research analyzes the perceived implementation of a re-concentration of decision-making powers within public agencies as the declared goal of agencification at the French health care system, specifically primary care providers and hospitals. The assessment relies on secondary sources from ministerial bodies such as the Ministry of Health and Social Affairs, the Ministry of Labor, the Social Security and the General Accounting Office, and specialized French technical agencies.

Findings – Decentralization in France and the subsequent rise of public health care agencies had outcomes below expectations. Hence, a re-concentration of decision-making powers within the larger Regional Health Agencies; a streamlining of the public administration; and a re-appropriation of decision-making powers by the Ministry of Health are needed. The monitoring of health providers allows central health authorities to govern at a distance.

Originality/value – The analysis of health care agencies in France and of their use of efficiency-enhancing techniques may trigger a change of values within the medical profession.

Keywords Agencies, Policy, Health care reform, Centralization, New Public Management, France

Paper type Research paper

Introduction

The New Public Management (NPM)-driven fragmentation of public organizations and the public choice theory encourage several bureaus to provide similar services to enhance competition and efficiency (Self, 2021). The application of the principal/agent theory to public institutions promotes agencification with public services. Second-generation fiscal federalism that granted powers to lower-level territories and the devolution of institutional arrangements (Kaneva, 2021) to enhance public participation and stability (Weingast, 2014) also endorsed the agencification of public services. The latter stipulates that policymaking is a core prerogative of ministries and that policy implementation is to be handed over to executive agencies away from political circles, even though, in practice, executive agencies are more than neutral policy implementers alone and are under the influence of local politicians. In France, the State Council defines agencies based on two criteria. Firstly, autonomy: the executive is responsible for defining policies to be implemented by agencies, but it does not have a role in the day-to-day management of those agencies. Secondly, responsibility: the agency is fully accountable for policy implementation. Agencification is preferred when there are significant differences in regional preferences and minimal spillover effects. According to Liddle (2018), agencification



involves transitioning from traditional hierarchies to agencies and networks, as well as delegating task execution to executive bodies. The assumption is that decentralized managerial structures are more likely to listen to local stakeholders than agencies with centralized budget processes (Curto and Dias, 2014) and that the delegation of policy implementation to agencies can enhance the performance of public organizations and cater to individual preferences more effectively. Valkama *et al.* (2022) report the adverse effects of joint agencification on democratic governance and residents' rights to influence and participate. Hood and Peters (2004) discussed the unintended effects of agencification on government operations, including the fragmentation of bureaucracy. According to their argument, the process of agencification creates a complex bureaucratic structure that is difficult for citizens to navigate and understand.

This paper investigates French health care agencies, their impact on the values of the medical profession, and the subsequent re-centralization of the French health system. Firstly, agencies intended to promote efficiency-enhancing techniques as well as NPM tools. By doing so, they contributed to a change of values within the health sector. The decision-making power of multiple fragmented health agencies was subsequently regrouped within the larger Regional Health Agencies. These have the potential to restore unity and institutional clarity in a time of rising uncertainties. They combined the more recent contract-based NPM-modeled delivery of public services with the more Weberian tradition of vertical hierarchy that hitherto characterized the French administration. Was this re-concentration of health care decisions a means to reassert the center? Re-centralization primarily benefited the welfare elite (Genieys and Hassenteufel, 2015), and was geared towards depoliticizing health care policy decisions and reinstating professionalization in policymaking. The paper ends with a discussion of French idiosyncrasies and a comparison with Anglo-Saxon countries that pursue similar reforms. Some public values, such as citizen participation, retreated while others, such as uniformity and national coherence, were strengthened. Nonetheless, support for public reporting continues because of the emphasis on greater transparency (Erkkilä, 2020) and because of the need to build further public support for reforms that remain unpopular with the medical profession.

Agencies' mixed outcomes in foreign exemplars

Over recent decades, agencies have become a popular way to deliver public services. Spreading worldwide (Verhoest, 2018), often under a different label such as executive agencies in the UK, 'public policy transfer' in France, or ministerial autonomy in Germany, embodied in Article 65 of the constitution (OECD, 2002, p. 99), or 'distributed public governance' in China, or 'autonomisation' in Thailand (Bowornwathana, 2006), agencification originates from the broader NPM-driven consumerist and competitive model that promote local initiatives. With varying results, ranging from increased performance (Vining *et al.*, 2015) to depoliticization (Wood, 2015), accountability, autonomy, value for money (Cingolani and Fazekas, 2020), or a combination of these (e.g., performance and autonomy) as in Kim and Cho (2014), it appears that agencification is contingent on national, sectoral and regional characteristics. Hence public management ideas labeled under the same name may hide differences in policy understanding and implementation outcomes.

In retrospect, there is little evidence that agencies led to improved outputs and outcomes. While Dan (2014) found positive effects on results orientation and service users' needs, Overman and Van Thiel (2015) revealed the negative impact of agencification on both output and efficiency in twenty different countries where agencification was implemented. This can be explained by the high level of clientelism and local corruption, inadequate local supervision (Musa and Koprić, 2011), and a lack of knowledgeable and impartial accounts. Other shortcomings include excessive fragmentation, coordination challenges, organizational (in-)stability (Dan, 2014), goal ambiguity, a perceived loss of control or 'drifting' agents (Schillemans and Busuioac, 2015) and incoherence between fragmented public

agencies' initiatives and centrally defined targets (Lenderink *et al.*, 2022). Accountability arrangements in decentralized regimes took more complex and diverse forms than conventionally acknowledged (Smoke, 2015). The ensuing constant redefinition of goals led to a 'multi-accountability disorder' (Alom, 2018). The blame game was often played as more actors got involved, including users' associations, self-serving local notables, privately funded think tanks, and finally, the central government that often encroached on the prerogatives of subnational governments. What was the French governmental approach to agencification? Were outcomes in health care just as diverse?

Health care agencies, new tools and professional values

In public health and food safety, the first 'wave' of agencification occurred in the aftermath of the Juppé reforms. Regional Hospital Agencies (RHA) and the High Authority on Health that took over the National Accreditation and Evaluation Agency in 2004, regarded public policies as a domain of efficiency-enhancing techniques (Mabbett, 2011). These sought to rely heavily on data collection and rationality to guide public decision-making (Blom-Hansen *et al.*, 2021). However, the quest for efficiency-making techniques was not entirely new in France. There has always been a long tradition of using policy instruments such as cost-benefit analysis after a May 1968 Decree established a Model of Rationalization of Budgeting Decisions inspired by the US Planning Programming Budget System. Its aim was to improve public policymaking in key policy arenas such as transportation or urban planning. In health care, in particular, Hospital Health Agencies introduced various policy tools aiming at quantifying the need for health services, steered epidemiological studies (Pierru, 2012a), and created a national scale of health care costs in 1996. With the emergence of health economics as a full-fledged discipline in the 1990s, other NPM-driven recipes and attempts at managing by numbers, such as benchmarking, cost and volume targets for hospitals, balanced scorecards, pay-for-performance contracts for care providers, and novel compensation mechanisms such as a uniform Diagnostic-Related Groups (DRGs) scale (i.e. a nationwide activity-based fee schedule for all care providers across the country) were also introduced, as in other Napoleonic countries (Orelli *et al.*, 2016). Compared to other countries, France emphasized rationality in decision-making, governing by numbers, and performance management tools. Reforms also paved the way for yardstick competition. In line with the global trend of systems' hybridization (Cacace and Schmid, 2009) between the public and the private sector, French DRGs introduced more vertical control over service providers. For instance, the central government sets the DRG fee. It also created conditions for some market principles to function, thus public and private providers compete for patients. Hospitals must compare their costs to a standard scale built on a sample of participating hospitals. Due to the single-payer system, competition was limited to care providers, not payers. In contrast, in Germany, the government encouraged competition between private sickness funds before operating a complete U-turn with a re-centralization of funding decisions in the 2010s.

To ensure political acceptance among the medical profession, agencies were promoted as repositories of best practices and certified providers of quality information to physicians. However, in France, quality indicators are lagging, and when they exist, for nosocomial infections, for instance, they are rarely published. Health care professionals were also prompted to embrace new private rather than public values such as medical consumerism (Pierru, 2012b), patient sovereignty (the NPM-driven 'patient choice'), and flexibility in the labor market. Physicians must adhere to novel corporate management recipes such as management per objective or multi-year performance contracts (Dooren and Hoffmann, 2018). Hospitals are no longer public administrations and have greater flexibility in recruitment. The 2009 Health Care Act stipulated that Regional Health Agencies and hospital managers can be hired from the corporate world instead of the government-run National School of Public Health and can be dismissed if they do not meet the government-set

targets. The medical profession, however, has only partially internalized NPM tools. For instance, senior nurses use performance evaluation tools to strengthen their authority. Some areas benefited from reforms. The DRGs system maintains records of the procedures carried out in hospitals. This is instrumental in conducting epidemiological studies that analyze the prevalence of diseases across the country and changes in practice (e.g., surgical procedures). DRGs were also used as bargaining instruments during fee negotiation, proving that accountability can also benefit the accountee (Karsten, 2015). Despite its promised flexibility, there were certain areas, such as human resources, where the outcomes fell short of expectations, as exemplified by the ‘mercenaryization’ of contract physicians working in public hospitals.

The re-concentration of powers within the Regional Health Agencies

At the county level, the autonomy of public agencies, their fragmentation, and crony management fell short of the demand for cohesive policies and fiscal discipline at the national level. The agencies’ shortcomings raise concerns about the local governments’ ability to manage public funding efficiently, hence a call for the re-establishment of a centralized authority. In health care, the 2009 Hospital, Patients, Health and Territories Act (HPST law) imposed a re-concentration of all health policy decisions – not just the hospital prerogatives of the former Regional Hospital Agency – into the larger Regional Health Agencies. The government also regrouped – rather than suppressed – the smaller regulatory and service delivery agencies such as the Regional Public Health Groups, the Regional Health Committees and the Regional Sickness Funds into the larger Regional Health Agencies. However, this re-concentration of power excluded many key stakeholders such as patient associations, elected representatives (e.g., city mayors), and supplementary insurers. By doing so, they minimized the meddling of local politicians and notables in health affairs. A prefect of the region – a representative of State puissance – now presides over the Regional Health Agency’s supervisory board. Moreover, the latter comprises three representatives of the central (not local) government. Consolidated health agencies encouraged an economic concentration of care providers (e.g., hospitals) for safety reasons (i.e., larger medical units have better health outcomes than smaller ones) and for monitoring purposes (i.e., larger centers of excellence or ‘*poles medical*’ are easier to control than many fragmented care providers), though calls for a regrouping of providers did not extend to the primary care sector. Solo practice is still the norm in France, despite incentives to form group practices.

Reasserting the center

Similar policies have been implemented in both New Zealand and the UK. During the late 1980s, New Zealand shifted from a centralized medically led health policy and planning system to a market-driven system (Rees, 2019). It created added pressures and inconsistencies, ultimately leading to a re-centralization of some functions, as in France. After 2008, the New Zealand’s center-right government launched new national agencies that centralize some planning and service delivery functions to improve coordination, digitalization, service efficiency and reduce administrative costs (Gauld, 2012). In the UK, the delegation of power was reversed as elected politicians prioritized coordination and pursued their own agenda (Peters, 2008). Ireland tightened financial oversight, rationalized its agencies, and consolidated administrative functions to ensure a standardization of public services. The center remains the main driver of reforms and hierarchical approaches are still preferred for organizing these reforms (MacCarthaigh, 2020). Like the UK, where reforms were also about to depoliticize the system (Wood, 2015), the French ‘welfare elite’ from the Ministry of Health is also assumed to have a more neutral approach to policymaking than locally elected officials. Reforms helped the Welfare elite regain some of their prerogatives

that eroded under the rise of inter-communality (Bourdin and Torre, 2022) and EEC Directives. The steering of Regional Health Agencies by the central government also aimed at restoring the professionalization of policymaking that earlier regional policies could not achieve for political reasons (e.g., local politicking, cronyism, vote-catching strategies that even worsened public deficit). Benefiting a small, highly placed business and administrative elite, this re-concentration of decision-making power is unlikely to be rolled back. The 'costs' of re-centralization, including a democratic recess (e.g., representatives of the public, the medical profession, and patient associations are hardly represented within the Regional Health Agencies) and a loss of social accountability, won't change the course of reforms. But New Zealand went beyond France to improve its health outcomes. Firstly, it strengthened primary care through policy and funding changes and emphasized continuity of care (Jackson and Ball, 2018). Furthermore, there was a stronger emphasis on public accountability and citizen participation. Public hospitals in New Zealand are governed by elected District Health Board. None of these participative mechanisms exists in France.

Discussion

The paper provides a better understanding of the impetus behind regulatory shifts (the 2009 HPST Bill) and the re-centralization and re-concentration of decision-making powers. French administrative reforms also illustrate the interplay between autonomous local actors such as city mayors, local health care providers, and health forums or organizations that seeks greater autonomy in policymaking and the central government that demands performance and fiscal discipline from regions (their expenditures grew higher, even in times of recession). In this regard, the centralization of health policy decisions gave austerity policies a more permanent and constitutionalized character (McBride, 2016).

Compared with earlier Anglo-Saxon reforms that emphasized privatization, patient choice, and marketization (Powell and Miller, 2016), French reforms have stressed accounting reforms (DRGs) and digital innovations. The government also pursued the digitalization (Gauthier and Cardot, 2021) of the health system with a new electronic version of the patient medical card that can be used to pay for health services, which shall, in theory, combat fraud and ease access to health services. Payment by smart health cards lowers economic barriers by reducing the need for patients' out-of-pocket expenditures. Moreover, innovations are centered around institutions, as exemplified by the strengthening of the Regional Health Agencies and the reform of hospital governance. The 2009 Health Care Act reinforced the role of the hospital director at the expense of hospital board members; the former is appointed by the central government rather than elected by their peers. As Favoreu *et al.* (2015) suggest, French reforms are organized around performance management as a system of rules, novel accounting mechanisms to provide fair compensation to care providers (hence, the extensive use of DRGs, with the penetration rate of 100 percent which is the highest in Europe), performance evaluation and central steering methods (e.g., regional and national expenditure targets, pay-for-performance contracts for care providers; government-set fees for medical procedures, management by objective) rather than around entrepreneurship, competition, and marketization, all of which produced very modest returns (Moran, 2016).

Earlier NPM recipes such as Public-Private Partnerships, for instance, in the construction of hospitals (AMUF, 2012), fell short of public expectations. Occupying a powerful place within the collective psyche, privatization and quasi-marketization of Social Security Office were neither welcomed by the French, who fear a weakening of social solidarity, nor by physicians. This contrasts with the UK, where hospitals or foundation trusts are no longer managed by the central government but constitute freestanding legal entities (Roland and Rosen, 2011). In addition, the British National Health Service abandoned national targets for a system of open reporting of performance data and clinical outcomes. Compared with France, the UK assumed that market forces would drive up quality in the absence of centrally defined

targets and also called upon citizens to participate in the improvement of their health system via new mechanisms of public consultation (Crane, 2018). No such mechanism exists in France, where citizens' participation is lagging.

The motivation of citizens to occupy the available space and to assess service delivery performance in collaboration with state actors is critical in democracies (Brinkerhoff and Wetterberg, 2016). But compared with the UK, opportunities for French citizens to express their concerns are lacking. The tradition of centralization (Bedock and Pilet, 2021) does not lend itself well to greater citizen participation. French health care reforms also illustrate how democracies search for and struggle over the definition of legitimate accountability regimes (Olsen, 2015), and as in the case of France, and sometimes opt for a complete policy shift to reattribute a pivotal role to the central state in the definition of policies at the expense of public participation. For instance, the 2009 HPST Bill lacked meaningful community consultations and participatory innovations.

Recently, there has been a growing dissatisfaction with the democratic system in Europe (Kriesi, 2020). As a result, there has been renewed interest in researching public values to strike a balance between the efficiency imperative of the central government and the preservation of core public values such as access to care, fairness, and other 'progressive opportunity' criteria (Bozeman and Johnson, 2015). At the heart of these concerns is the tension between patient sovereignty (patient as a consumer) and austerity (restriction in accessing health services) and between NPM-driven differentiation and uniformity (as a public service, health services should be identical across all French regions, no matter their resources). While French reforms are in line with more recent discussions on public values that emphasize three aspects of public management: delivering services, achieving social outcomes (e.g., equity, access), and maintaining public trust and legitimacy (Schmidhuber *et al.*, 2021), some public values retreated. These include transparency (the DRG scale is still a very opaque system) and New Public Service, defined as the set of norms and practices that emphasize democratic accountability (Sager *et al.*, 2018). Centralization of health policy decisions and standardization or uniformity of care provision via metrics (e.g., a national scale of health care costs, management by objectives, pay-for-performance contracts, benchmarking of hospital outputs rather than outcomes) leaves little room for public engagement and discretion (Veronesi and Keasey, 2015). A compounding factor, non-health care actors, such as the public, may have little understanding of the validity and appropriateness of performance metrics (Colebatch, 2018).

Evaluation

NPM was supposed to bring benefits, including greater efficiency in the delivery of health services and greater responsiveness to users. This did not occur based on indicators such as waiting times and adequacy of care provision in regions. Waiting times are an issue for certain non-emergency procedures or specialist consultations, as demand often exceeds available resources. Between 2012 and 2017, the average wait time for a specialist has increased from 48 to 61 days, while the wait time for a General Practitioner has gone up from 4 to 8 days. Specifically, patients can expect to wait an average of 52 days to see an ophthalmologist, 60 days for a dermatologist, 50 days for a cardiologist, and 44 days for a gynecologist.

Disparities between urban and rural areas are rising. Rural regions often face challenges in terms of access to health care facilities and medical professionals. A compounding factor is a shortage of doctors, particularly in rural areas. These tend to be concentrated in cities, making it more difficult for people in remote or underserved areas to access primary care and specialist services. In Paris, with 72 registered dermatologists, the waiting period is around 60 days. However, Marseille has only 26 dermatologists and it takes an average of 95 days to get an appointment, according to the Bureau of Statistical Research, Studies and Evaluation. In Ariège, la Meuse, la Creuse et les Hautes-Alpes, there are only five dermatologists for

100.000 residents. Despite the NPM rationing agenda, the French population remains one of the world's largest consumers of medicine, particularly antibiotics (Herin *et al.*, 2021).

NPM reforms resulted in a more complex health system. With health technologies and electronic health records, while it was encouraged to simplify administrative procedures and improve coordination between health care providers, their intricacy can often result in delayed reimbursements or an increased administrative burden for providers (Burnel, 2018). According to Primbault (2018), primary care physicians spend around 7 hours every week on administrative tasks that are mainly meant for auditing and administrative purposes by Social Security Office. For one-third of physicians, that number even reaches 14 hours per week, according to Medscape. Moreover, health care providers must comply with multiple regulations. One such reporting rule is the coding of medical procedures via the Information Systems Medicalization Program (PMSI) or Diagnostic-Related Groups (DRG), which is both costly and time-consuming. It has prompted hospitals to hire DRG coders instead of physicians, thereby diverting resources from patients.

Conclusion

The inability of subnational governments and local audit chambers to establish intrastate control prompted the French welfare elite to demand a re-appropriation and a vertical alignment of decision-making to ensure effective supervision and increase people's confidence in delivering public services (Batifoulie *et al.*, 2011). Reforms contributed to the rise of a Russian style 'power vertical' (Monaghan, 2012) and to a strengthening of the oligarchy (Kagarlitsky, 2020), whose efficacy is increasingly questioned. At the national level, wicked issues are defined as problems that lack a clear description, and face conflicting perspectives from a wide range of stakeholders (Schillemans *et al.*, 2021), including physicians (who emphasize quality), users (who demand quality, access, and convenience), street-level bureaucrats, and top political circles who worry about unstoppable budget deficits. They also extend to more than one area, including health, unemployment (in many rural areas, the hospital is the largest employer), and welfare services (French emergency departments now provide 'social beds' to the homeless). Central authorities are still unable to tackle the health care fraud problem (Grandjean *et al.*, 2019) and other public emergencies that extend beyond health care. These include unemployment that remains at an all-time high and rising economic and social disparities. In 2009, the GINI coefficient was only slightly lower in France (29.9) than in the UK (32.4). The pauperization of the French working class, rampant corruption among top-level political circles, as exemplified by a spate of scandals (Cahuzac in 2013, Bygmalion in 2014 and Benalla in 2018), the lack of social mobility, and more generally, the inability to build an open society are all symptoms of a society in a stalemate. Hence, the newly formed French regulatory state may not be more effective than the productive or redistributive state. That impasse also led to greater public defiance, which had political repercussions, as evidenced by the breakup of the traditional right and left political parties.

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Is constitutional democracy in India in crisis?

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Abstract

Purpose – This paper examines the decline of the largest working parliamentary democracy in India overtime, but accelerating since 2014 as the Bharatiya Janata Party (BJP), under the leadership of Prime Minister Narendra Modi at the Center (as the federal government is commonly known).

Design/methodology/approach – It is eclectic. Original constitution, along with commentaries, are studied. News outlets, government pronouncements, journal articles, and other media outlets — electronic and print — are also sourced.

Findings – The findings show how three important features in democracy — elections and their outcomes, control of information, and suppression of dissent are widely used to undermine constitutional democracy.

Originality/value – Democracy can be undermined without altering the Constitution itself. It also explains the irony of Modi's popularity, given the undemocratic practices. As he may continue in office for some time to come, commanding a log-rolling majority, the need of the hour is a united, constructive and effective opposition to ensure a healthy working democracy.

Keywords Bharatiya Janata Party, Narendra Modi, Indian Parliament, Control of information, Suppression of dissent

Paper type Research paper

Introduction

India is not only known as the world's largest working democracy, but also proud of its admittedly long history of constitutional working. But the decline of the former due to the surreptitious subversion of the Constitution is not well appreciated. This paper examines these two phenomena in four parts. The first deals with parliamentary democracy and some other ancillary issues. The second examines the implication of controlling information flow. The third enquires into suppression of dissent. The fourth draws the conclusions and provides some explanations.

Parliamentary democracy

Consequent to independence on August 15, 1947, India adopted its new Constitution on November 26, 1949 which established a bi-cameral Parliament at the Centre (i.e., the federal government) with the lower House called as *Lok Sabha* (House of the People), and the upper House, *Rajya Sabha*. Discussion here is confined to the former, directly elected by the people. The *Rajya Sabha* (representing States) is not covered as it is indirectly elected by the sub-national units — 28 States and 9 Union Territories (UTs).

The Indian Constitution and The Representation of the People Act, 1951 (as amended mainly in 1966) prescribe the qualifications to be a legislator for *Lok Sabha* (and *Rajya Sabha* and State Assemblies too), based on universal adult franchise. Elections are centrally



controlled and are held once in five years, but with some exceptions. The Prime Minister can dissolve the Parliament earlier and call for new elections for whatever reasons. A Prime Minister might resign, or voted out of office on a no-confidence motion, both leading to midterm elections. Similar exceptions apply to State Legislative Assemblies headed by Chief Ministers. Additionally, when an “emergency” is declared in a State under Article 356 due to failure of “constitutional machinery”, real or purported, fresh elections may be conducted, or the Assembly is left in a limbo till such time the crisis passes.

(a) **Table 1** shows that the election exercise is massive, and in general fair, albeit with some minor violence in some places, and even corrupt political and electoral processes. One cannot fail to notice that there is a surfeit of political parties, some of not much consequence. In fact, the Election Commission delisted 86 of them since May 2022 (*thehindu.com*, 2022).

Two important institutions are involved in the conduct of elections. The first is the Delimitation Commission — a statutory body created by Parliament with the power to carve out the nation into legislative electoral districts (“constituencies”) after every decennial census. So far, its work has been exemplary. However, the last experience in the State of Jammu and Kashmir (J&K), which was bifurcated on October 31, 2019 into two UTs — J&K and Ladakh, is of interest. With elections long overdue, instead of the erstwhile Commission, an ad hoc three-judge panel was constituted for the new delimitation. No one complained, much less the Commission itself. The Supreme Court itself in February 2023 dismissed challenges to this exercise by a few residents of Srinagar (summer capital of J&K).

The timing too turned out to be debatable. While Prime Minister Narendra Modi’s government decided on conducting this exercise in 2021, leaders of J&K wanted to wait till after the elections (whenever they are conducted). But the process was allowed to play out. In its final report of March 2022, the panel recommended 6 new seats for Jammu and 1 for Kashmir contending to correct the extant imbalance (when Kashmir had 7). Leaders of the J&K opposition parties, however, criticized that it would lead to a “political shift” towards Jammu, advantageous to BJP during the next elections. Moreover, while the nationwide delimitation exercise is due in 2026, why in 2022 in J&K, alone? It is also noteworthy that enumeration of national census due in 2021, was postponed in 2022 by the Modi government until further notice without assigning any reason. This was the first such postponement in independent India.

Population of India	1.3 billion
Total registered voters	911,950,734*
Total voted	Over 600 million (67.4% of the populace)
Total polling stations	1 million
Total election officials	10 million
Total # parties	2,293 (largely unrecognized by EC)
Registered with EC	149
Recognized	8 national, and 59 State level**
Total number of seats in Parliament	545
Elected	543
President Nominates	2***

*The Election Commission announced that as of January 1, 2023, the number stood at 945 million.

**The eight recognized national political parties are: Indian National Congress, Bharatiya Janata Party, Trinamool National Congress, Bahujan Samaj Party, Communist Party of India, Communist Party of India (Marxist), National Peoples Party, and National Congress Party.

***The practice of nominating two Anglo-Indians (given their miniscule number) was in operation till 2020 when the 126th Amendment of 2019 discontinued the practice as their numbers further dwindled.

Source: Compiled by the author from various reports of the Election Commission.

Table 1. A panoramic picture of the Election Exercise, 2019

Actual elections are conducted by the second institution — the Election Commission (EC), consisting of the Chief Election Commissioner (CEC) and such number of other Commissioners as the President of India determines. Under Article 324(2) of the Constitution the President appoints and determines their tenure and service conditions “subject to the provisions of any law” passed by Parliament. However, the Election Commission Act of 1991 set their term of office for six years, or their retirement, whichever comes earlier. The EC has proved to be an impartial and efficient body. But some recent events cloud its reputation. Given the President a near figurehead, who acts on the aid and advice of the government, the latter was blamed for the pitfalls.

The very first CEC served for eight years. But of late those who have not even a year left before retirement are being appointed inviting the criticism that the government was picking those who could be pliant. The previous UPA government of Prime Minister Manmohan Singh had six CECs in eight years. Current Modi government continued the trend. An egregious case occurred in November 2022 when an IAS officer, Arun Goel, serving the government as Secretary, Heavy Industries, resigned six weeks prior to his retirement on Friday, November 18, 2022, was appointed to the Commission on Saturday and took office the following Monday. What was the hurry for an appointment with such “lightning speed”, asked the Supreme Court in amazement, and ordered the government to surrender the file regarding the appointment (Sarda, 2022). Justice K. M. Joseph even admonished the government suggesting that Article 324 provides an impeachment process (to remove an errant member, or Chair), and there was no need for short-term appointments that would hurt the independence of the office (Rajagopal, 2022b). The Supreme Court in *Anoop Barnawal* (2023) decision laid down that future appointments would be made henceforth by a committee comprising the Prime Minister, leader of the Opposition and the Chief Justice, till such time a controlling law (there is none so far) is passed by Parliament.

The 2021 election in the State of West Bengal was another instance of distress. The EC decided to stagger the elections over eight different days (between April 11 and May 19, with results to be announced on May 23, 2021). Chief Minister Mamata Banerjee, leader of Trinamool Congress (TMC), protested vehemently citing that other States of similar population strength actually had gone to polls in a relatively shorter time span (since election schedules were announced) and with shorter number of days of election, some even in a single day. Her claim was that this spread was a deliberate attempt to help BJP concentrate on individual districts, serially. Instead, she would have preferred to ride the wave in one fell swoop. The EC disagreed. The depth of this seemingly innocuous controversy can be better understood by placing it within the context of all efforts of BJP government to unseat Chief Minister Banerjee, who has been a major irritant to Modi’s government.

(b) Legitimacy of elections is never challenged, but accepted without a murmur. That leads to political stability, enabling smooth transition from one government to another (of a different party or parties). The outcomes of elections, however, reflect not so a pleasant story exhibiting the phenomenon of criminalizing politics and politicizing criminals. As far back as in 1990 the Goswami Committee and the Vohra Committee in 1993 expressed their concerns in this regard.

The Supreme Court too took notice in 2018. While declaring that candidates running for election could not be disqualified simply because they were charged in a criminal case, it stipulated that all candidates must file a form (to be provided by the EC) listing criminal proceedings pending against them. Further, it advised the government to pass legislation decriminalizing politics. Accordingly, the EC issued orders that all political parties must publish the criminal and financial antecedents of their candidates within 48 hours after putting them up for election. In 2019 the Court expanded its opinion insisting that a political party address its rationale if and when selecting a candidate with criminal antecedents. In the absence of power with the Court to punish an errant political party for giving faulty

information, the burden fell on the shoulders of EC which had not so far been very active in this regard. Moreover, political parties learned to circumvent the stipulation by simply declaring that the cases against their candidates are politically motivated.

Per the EC's stipulation, all candidates running for election do disclose their criminal antecedents, besides their (and families') financial assets and liabilities. The Association for Democratic Reform (ADR) analyzed the declarations of those elected to the 543 *Lok Sabha* seats for the years 2009, 2014 and 2019 (Verma, 2020; Sharma, 2022) under two categories: Criminal Cases and Serious Criminal Cases (such as rape, kidnapping, murder, etc.). Its findings, reflecting the steady increase in the number of candidates with criminal antecedents, are shown in Table 2. Intriguingly, ADR further calculated that the chances of a candidate to be elected with no recorded criminal cases are 4.7 percent, while those with criminal records are 15.5 percent!

It is important to note that candidates' declarations are public knowledge. Yet, shady characters continue to be elected, and re-elected, running across all party lines. Taking note, former Chief Election Commissioner G. V. G. Krishnamurty observed quite some time ago that "no law-breaker should become a law maker" (Tummala, 2021). It was also reported that during the last five years as many as 13 million chose to vote NOTA (none of the above), which speaks volumes about trust in candidates and political parties they represent (Thakur, 2022).

(c) Elected legislators also indulge in switching party affiliations at will under the lure of Ministerial berths or other lucrative appointments to statutory bodies. Considering it as a fraud on the electors, the Anti-Defection Law was passed in 1985 which became part of the Constitution as the 52nd Amendment. It was further modified in 2003 (the 91st Amendment) to the effect a legislator elected on a party ticket would lose the seat if they voted against that party whip (i.e., party requiring the way they should vote), or abstain from voting, or leave that party. However, should two-thirds of members of that party defect, they would not lose their seats. But there is a flaw in practice as the Speaker (be it of the Parliament, or a State Assembly) would make the final call whether a legislator in fact defected, or not. Such power is contingent on the belief that a legislator would behave as a non-partisan on being elected as Speaker. That indeed was the norm, but no longer. Of late, speakers began behaving as partisan as anyone. Moreover, as Salam (2021) showed, a member may simply resign from the party, and immediately contest the re-election from the same constituency (given past proven electoral clout), but under a different party banner which induced the defection, and retain the seat. Consequently, the party holding the government from where the original defection took place might have fallen because of the defection.

Switching parties is further abetted by poaching legislators by political parties either to topple a sitting government, and/or form a government of their own. Such a practice has become the norm (Ramakrishnan, 2021) as legislators are spirited out, willingly or not, and lodged in safe hotels and resorts, sometimes even out of State, wined and dined and even bribed otherwise, to keep them beyond the reach of other parties who might indulge in similar practice. Party loyalties thus are bought and sold leading to a new nomenclature in political discourse: "Resort Politics".

Type of cases	2009	2014	2019
Criminal	30%	34%	43%
Serious Criminal	14%	21%	29%

Source: Compiled by the author from Verma (2020)

Table 2.
Candidates Elected
with Criminal and
Serious Criminal Case

By analyzing 443 cases of legislators (both from the Assemblies and Parliament) since 2016 [ADR \(2021\)](#) found 170 left the opposition Congress party alone, and a total of 182 joined the ruling BJP. Twelve members of *Lok Sabha* switched, five of them from BJP. Seventeen switched in *Rajya Sabha*, seven of them from Congress. A total of 44 percent switched to the ruling BJP, not unexpectedly. It also found that there was a 39 percent increase in average assets of those switching parties (suggesting the flow of money).

The 2021 election in West Bengal is very instructive. Several defectors from TMC joined BJP with the belief that Banerjee would be beaten by BJP. But when Banerjee was triumphantly elected back to power, almost all of the defectors had returned to TMC. The most bizarre case in this context is that of a Mukul Roy. He left TMC in 2017, joined BJP and became its national Vice President in 2020, and was elected as a member of West Bengal Assembly on that party ticket in 2021. But he returned to the TMC fold within a month after the election without resigning (as required by the 91st Amendment of 2003, cited above). Following his example, as many as 200 BJP workers (who moved out of TMC prior to elections), also returned, had their heads tonsured, and holy water from river Ganges sprinkled over them, per Hindu tradition of penance. TMC in its turn received them all with open arms. Keeping grudges is inimical in politics! Strangely, just as Roy was claiming that he is a BJP legislator (and Banerjee agreed) news began circulating that he had brain surgery and has been suffering from several other ailments, his own son (who is a TMC legislator) maintained that his father was deranged!

(d) Given such shifting faiths and loyalties, how well Parliament could work as a deliberative body, and keep the government honest? Parliament in fact gets adjourned frequently as a consequence of unruly behavior of its members (MPs) disrupting its business. Opposition parties have turned out to be more obstructionist, than serving as “constructive opposition”. Former President of India, Pranab Mukherjee, who was a distinguished parliamentarian himself for long, said in despair that Parliament became a “combative arena” ([Tummala, 2021](#)). Former Vice President M. Venkaiah Naidu, *ex officio* Chair of *Rajya Sabha*, bemoaned literally saying that “(H)e Couldn’t Sleep Due To Ruckus In Rajya Sabha” ([Abraham, 2021](#)).

Some laws are passed in haste, consequently. For example, the Budget session of March 2021 was adjourned *sin die* two weeks earlier than planned (after passing the budget). At the midpoint of the following short-lived monsoon session just 12 Bills were passed with an average discussion time of seven minutes each ([Nair, 2021](#)). In consequence to hasty and ill-considered legislation, as many as 35 Acts and Amendments are contested before the Supreme Court since 2016 — a fact admitted in Parliament by Law Minister Kiren Rijju as quoted in [The Economic Times \(2022\)](#).

(e) To be fair, some commendable laws indeed were passed during Prime Minister Modi’s first term (2014-2019), such as the creation of General Services Tax (akin to VAT) to replace a hodgepodge of prevailing tax laws, and another declaring corruption as a heinous crime with both the bribe giver and taker punishable, and fast tracking corruption cases ([Tummala, 2021](#)). That to this day they are still figuring out what should be taxed how much, and what share of GST the State governments should get, or how many bribe givers have been caught and punished are altogether different administrative issues.

Some laws, however, were pushed through Parliament with no Committee(s) inputs, or any outside expert consultation, or public participation. Three such might be cited: Demonetization of high-end currency in November 2016, Citizenship Amendment Act 2019, and a set of three Acts affecting farmers in 2020 (Farmers’ Produce Trade and Commerce [Protection and Facilitation] Act; Farmers [Empowerment and Protection] Agreement on Price Assurance and Farm Services Act; Essential Commodities [Amendment] Act).

Demonetization was sprung as a surprise. In the name of curbing the power of “black money” (money stashed away, internally or externally, in the form of gold, jewelry, real estate,

or in cash—all to avoid taxes, and/or used to influence elections) all ₹500 and ₹1,000 currency notes were voided overnight. Together such notes amounted to 86 percent of all money in circulation. Removing them out of circulation with no new notes immediately available to replace the old ones, and restrictions imposed on withdrawal of money from individual bank accounts, led to harsh unemployment and untold misery to 82 percent of daily wage earners in the unorganized sector in particular, as they were paid at the end of the day in hard cash of higher denominations as a matter of convenience. It is not known how much difference it made for curbing corruption either (Tummala, 2013; 2021). However, the Supreme Court in a 4 to 1 majority in January 2023 gave its imprimatur to demonetization setting aside several challenges, including one claiming that the Reserve Bank of India was not taken into confidence.

Citizenship Amendment Act enabled refugees from neighboring countries of all religions to fast track towards Indian citizenship, with the singular exception of Muslims. Considered as anti-Muslim — the largest religious minority in the nation, this Act is being challenged with nearly 240 different cases pending before the Supreme Court.

Agricultural sector employs nearly 60 percent of India's population, contributing about 20 percent to its Gross Domestic Product (GDP), annually. But it has been beset with serious problems, the most important being non-remunerative prices to the produce leading many farmers into debt and suicides stemming from their inability to repay. Data compiled by the National Crime Records Bureau (NCRB) show that in 2019 alone a total of 42,480 suicides (both farmers and daily wage earners) occurred, of which 10,281 were farmers (Tripathi, 2020). That was 28 farmers daily! Thus, there has been a long-standing crying need for reform of the agriculture sector. In response, the Modi government passed three Acts in September 2020 (following an Ordinance approved earlier by the Cabinet). Farmers were not consulted; they never in fact sought these laws. While the government claimed that these Acts provide more venues to farmers to sell their produce to the private sector at competitive prices, farmers in the States of Haryana, Punjab, and Uttar Pradesh (joined by some in other States in course of time), felt that the new laws in fact would adversely affect them by eliminating prevailing minimum support price (MSP, set by government) by letting large corporations directly influence, even manipulate, the purchasing price. They also feared that their usual role in the *mandis* (Marketing Committees) might diminish. Consequent agitation against these laws went on for more than a year. But given the obstinacy of both the government and farmers, finding any compromise proved to be futile. Responding to several challenges, the Supreme Court stayed the Acts in January 2021, and appointed a panel to report on the concerned Acts. Ironically, all the four members of the panel had previously supported the contested Acts. Not unexpectedly their 98-page report, which was kept under wraps by the government, but was released by one of the members in early April 2022, basically defended the laws (Rajalakshmi, 2022).

Something astonishing followed: The government turned *volte face*. Without consulting his Cabinet, and not taking the farmers into confidence, Prime Minister Modi on November 19, 2021 made a surprise announcement nationally that he was going to repeal the contested laws as the first act of the immediately forthcoming meeting of Parliament. True to his word, on the very first day of the Winter session on November 29, 2021 both Houses of Parliament passed a Bill repealing the laws, in the same way as the original laws were passed, with no debate. All the demands of farmers were meant to be met. Instead of putting the issue to rest, the repeal only raised more questions. What made the Prime Minister do it? Did he capitulate? Why was the announcement made on the 19th when Parliament was scheduled to meet from the 29th on? The 19th could be understood important as it was the birthday of Guru Nanak, the revered religious figure of the Sikhs who had been at the forefront of the farmers' agitation. And elections were due in Punjab (which is predominantly Sikh), along with four other States in March 2022. (It did not help; BJP lost the elections in Punjab.) However, after months of

inaction on the promises made by the government, the leader of farmers' agitation, Rakesh Tikayat, led a march to Delhi to continue the agitation on March 20, 2023. How this is going to be resolved depends upon the yet to come Supreme Court decision on its stay order.

Parliamentary debates in general brim with a great deal of posturing and sloganeering while civility in discourse is lost. The then Chief Justice of India (CJI), N. V. Ramana, lamented this "sorry state of affairs". He also raised an important issue by noting that there was "a lot of ambiguity in laws" hastily passed, triggering litigation and causing inconvenience to citizens, courts and other stakeholders (Mathur, 2021a). The courts find themselves unable to fathom the intent and objectives of a law. In other words, absence of decent legislative history in itself tends to be an impediment to justice.

Control information

Reliable and timely information is of prime importance in a democracy as it facilitates informed citizen participation, provides transparency and ensures accountability. The hold on information, however, is also a powerful tool of control. The Modi regime has demonstrated a remarkable reticence in answering questions. The Purchase of Rafale jet fighters from France in 2015 to augment the capabilities of Indian Air Force provides a glaring example. Several questions were raised such as how the Prime Minister, circumventing established consultative procedures, did unilaterally announce such a decision while visiting Paris? Why the choice of the French product when a cheaper one was presented from another European consortium? What was the saving, if any, compared with the previous United Progressive Alliance government of Prime Minister Manmohan Singh? Why was an established and experienced Indian public sector entity (HAL) ignored and the contract given to a firm formed just days before the announcement? (Tummala, 2020). No satisfactory answers were given, to date. The government took umbrage behind the Supreme Court's refusal to inquire into the pricing and purchasing policy, and the clearance provided by the Comptroller and Auditor-General.

In this context, two different items need to be examined: (a) the right to information and (b) the use of social media.

(a) Enforcement of accountability is predicated upon free flow of information. But governments often have negated this vital process by invoking the colonial era's 1923 Official Secrets Act, which is retained intact. The Supreme Court, however, recognized in 1975 that right to information is an inherent right to freedom of expression guaranteed by the Constitution as a Fundamental Right under Article 19(1)(a). Subsequently the Right to Information Act (RTI) was passed in 2005. Available data confirm that the intent of RTI is being met, but with mixed results (Jhansi Rani, 2021). For example, Bambawale (2019) showed that between 2005 and 2019 a total of 30 million requests were made for information, but as many as 23,541 complaints of nondisclosure were pending as of April 2018. It was also found out that 40 percent of RTI requests were denied, with no valid reason given (*thehindu.com*, 2021; Deshmukh, 2021).

A collateral damage was noted in that since 2005 as many as 84 RTI activists were murdered, another 169 were assaulted and 183 others were harassed or threatened (Dabas, 2019). "Reporters Without Borders" placed Prime Minister Modi in the unenviable company of "Press Freedom Predators" such as Mohamad bin Salman of Saudi Arabia, Bashir al-Assad of Syria, Vladimir Putin of Russia (Mir, 2021).

(b) Dissemination of information, or disinformation, via the internet and other social networks has of late become the norm. Prime Minister Modi, a known skeptic of conventional media—print as well as television—claims 70 million followers on Twitter alone. Cutting off information by disrupting the internet is a useful tool to prevent possible law and order troubles, but also to stem criticism of government. It is reported that there were more than 400 internet lockdowns in the last 4 years. The internet was shut down for 223 days in J&K alone between August 4, 2019, and March

4, 2020, consequent to the abrogation of Article 370 ending that States' special status Constitutional provisions (Sharma, 2021).

Suppress dissent

Dissent is an essential part of the democratic process which is guaranteed by freedom of expression as a Fundamental Right. But the BJP regime had shown less than tolerant towards opposition in general, and the opposition parties in Parliament in particular. Frequently used instruments in this context are Sedition, the 1967 Unlawful Activities (Prevention) Act (UAPA), and the 1980 National Security Act.

Sedition is defined under Section 124A of the Indian Penal Code (IPC) as “hatred or contempt, or excite or attempt to excite disaffection towards government.” IPC is the legacy of the British colonial government since 1860, and Section 124A was added to it in 1870 to deal with any opposition to the British Raj. But why would/should independent India continue with this colonial legacy (Deka, 2021a; 2021b)? It is reported that during 2010 and 2020, a total of 10,938 persons were booked for sedition. This practice caught the attention of the Supreme Court which in 2021 agreed to hear challenges to the constitutionality of Section 124A. (Final word is yet to be heard.)

During 2018-20, as many as 4,690 people were arrested under the UAPA but only 3 percent were convicted. Just as the Supreme Court is ready to examine the application of this law, while referring to the Naxal (violent Communist faction) menace, Prime Minister Modi declared that in fact the law provided great impetus to the fight against the gun and the pen (terrorism and fake news whipping up emotions, respectively) declared (Singh, 2022). Table 3 reflects the increase in these cases from 2015 to 2019.

The 1980 National Security Act allows preventive detention of people suspected of harming national security for up to 12 months. While Article 22 of the Constitution and Section 20 of the Criminal Procedure Code guarantee the right to consult, be defended, be notified of grounds of arrest, and the right to bail, National Security Act denies them all. Not even the First Information Report (FIR) is made public. Thus, the National Crimes Record Bureau (NCRB) cannot, and does not, provide any data on these cases. Hence the opaque nature and the inequity (Agarwal and Sharma, 2020). Consequently, Freedom House (2022) labeled India as “partly free”.

Taking notice, former CJI Ramana wondered aloud how a colonial law used against nationalist leaders (Noorani, 2021) could survive 75 years after India's independence (Rajagopal, 2021). He further demanded to know why the government did not throw out the sedition law along with the hundreds of other “stale laws” it had expunged (and is continuing to do) from the statute books. Proclaiming that criticism of government is not tantamount to sedition, he went on to suggest that it is time for the Supreme Court to visit its own judgment in *Kedarnath Singh* (1962), which upheld Section 124A. (That ruling, however, provided that sedition charges could not be invoked against a citizen for criticism of government actions, as Fundamental Rights guarantee free speech and expression.)

All the above instruments threaten Rule of Law where the precept is that no one is above the law, and all laws be applied equally. An egregious example stemming out of Lakhimpur,

Year	UAPA	Sedition
2015	894	30
2019	1,224	92

Source: Ramakrishnan and Trivedi (2021)

Table 3.
Number of people
Detained under UAPA
and Sedition:
2015-2019

Uttar Pradesh (UP), may be cited. A vehicle, allegedly driven by an Ashish Mishra on October 3, 2021 resulted in the death of four agitating farmers; four more died in the ensuing melee. It took nearly a week for the BJP controlled UP government to apprehend Ashish. Reflecting on the delay in filing a status report it sought, the Supreme Court on October 20, 2021 expressed its dismay that the UP government was “dragging its feet”, seemingly soft peddling the case (Mathur, 2021b). Moreover, the Allahabad High Court (in UP) let Ashish out on bail on February 10, 2022 which was set aside by the Supreme Court on April 18, 2022 rebuking the High Court for its unprincipled and extraneous considerations. (The Supreme Court on appeal reversed, and granted bail in 2023.) Ajay Mishra, the suspect’s father, initially claimed that his son was not even in the city, and the vehicle in question was not even theirs. He is the junior Minister of Home Affairs whose responsibility is to maintain law and order in the nation; he continues in that office. Not a word was heard from the government.

The attacks on Rule of Law anguished the Supreme Court so much that it made on October 14, 2022 the following comment while dealing with the stay of the order of the Bombay High Court in the case of G.N. Saibaba (and five others) arrested in 2007 under UAPA by the Maharashtra government alleging that he was connected to the banned Communist Party of India. “Empirical evidence suggests that departure from the due process of law fosters an ecosystem in which terrorism burgeons and provides fodder to vested interests whose singular agenda is to propagate false narrative.” The High Court itself said though “terrorism poses an ominous threat to national security... a civil democratic society can ill-afford sacrificing the procedural safeguards legislatively provided and which is an integral facet of the due process of law at the altar of perceived peril to national security” (Rajagopal, 2022a). (The High Court dismissed the case, but the Supreme Court ordered the High Court to reopen it in April 2023.)

Conclusions

Several conclusions are drawn from the above analysis. First, Prime Minister Modi’s commitment to parliamentary procedures appear to be suspect. He had shown a preference for ruling by Ordinance even when Parliament was in session which irked President Pranab Mukherjee, who gently chided in his farewell message that Ordinances be used sparingly as they are meant to deal with exigencies when Parliament is not in session.

Second, the Indian electorate in general has to take a large share of responsibility for keep electing a Parliament of “law breakers”.

Third, political parties have to take the major share of the blame as their only goal appears to be capturing power, not “public service”.

Fourth, majoritarian governments may enable fast action, but are deleterious for the normal working of a representative government. Out of the 543 seats in *Lok Sabha*, BJP garnered 282 seats in 2014, and 303 seats in 2019. By 2018 BJP and its allies controlled 21 State governments covering 70 percent of Indians (Sasi, 2018). By 2022 Congress rule is reduced to two States.

Fifth, BJP’s ascendancy is also the product of the near emasculation of all Opposition Parties. The Congress, known as the Grand Old Party, has not only been festered with internal conflicts, leading to the formation of the Group of 23 (G-23), but several left the party to start their own parties such as TMC. While one hears the frequent chorus that all Opposition Parties should unite to fight the BJP, nothing concrete ever emerged. Thus, Prime Minister Modi finds a fertile ground for his BJP, enabling him to control a log-rolling majority in Parliament. That is the “tyranny of the majority” (Venkatesan, 2015).

Sixth, free and frequent use of outdated laws such as Sedition, UAPA and invocation of national security, and unleashing the Enforcement Directorate of the Department Revenue in the Ministry of Finance to cow down opposition and even some civic groups, challenges the notion of Rule of Law as a major democratic precept.

Seventh, in an otherwise secular and historically tolerant nation, the very push towards Hindutva among non-Hindus is a very complex and contentious issue on which a critical lot has already been written, the last important one being by Jaffrelet (2021). Prime Minister Modi, as a person and a leader, helped. He is charismatic, with a great gift of the gab and mesmerizing oratorical skills. These are also recognized as traits of an autocrat. Complaints of autocratic behavior haunted Prime Minister Modi ever since his time as Chief Minister of the State of Gujarat. They only are noisier now.

But Prime Minister Modi enjoys over 70 percent support as is evident from the “Mood of the Nation Survey” conducted by *India Today* (Chengappa, 2021; 2022). The same journal — *India Today* (2023), had its cover story: “Modi all the way” showing 72 percent approval rating as of January 2023. That sounds like a paradox, but can be explained thus.

Given the splintered Opposition Parties the BJP holds a majority among the minority (of parties) with only just over a third of total votes polled in 2019 elections. Its relentless efforts to control the States as well continues unabated. Three factors are in favor of BJP. One, it has a top-notch grass roots organization with a substantial number of cadres (though weak in southern India). Two, the Party is flush with cash. ADR (2023) reports that in 2021-2022, the BJP claimed ₹ 6 billion (which constituted nearly 80 percent of all donations) against the Congress’ take of ₹95 million. Third, perhaps the most important aspect is that Prime Minister Modi and his Party sold a dream, followed by catchy and unifying slogans in the name of Hindutva (though often denied). Given the slogans are largely in the vernacular, they are easily understood by the masses making majority of the Hindus, in a majority Hindu nation, happy. Apologists might argue that the decline of democracy is not a new phenomenon. The Emergency declared by Prime Minister Indira Gandhi (1975-1977), and her decision to attack the Sikh Golden Temple in Amritsar, Punjab, in 1984 are given in support of that argument. But there are important differences. She was defeated in 1977, showing the Indian electorate’s commitment to democracy and Rule of Law. She paid the price of attacking Temple with her life as she was assassinated. Prime Minister Modi’s regime all along claimed the high ground that they in fact are the defender of faith, commanding the confidence of an absolute majority of Indians. The prime architect of Indian Constitution, B. R. Ambedkar (1948), was prescient enough to caution thus, even before the Constitution was formally accepted: “It is perfectly possible to pervert the Constitution without changing its form by merely changing the form of administration.” That is the crisis now.

The alternatives before Prime Minister Modi, who appears to continue in that position for some time to come, are two-fold. With his mass majority support, he can take the country towards a constitutional democracy by respecting the Opposition, welcoming criticism and backpedaling Hindu nationalism. Or, he could push near autocratic rule treating the Opposition as enemies, critics as non-patriots and security risks, and keep pushing Hindutva as an ideology to the detriment of minorities, more so the largest in the nation — Muslims. The choice is stark, and crucial. Which way would Prime Minister Modi lead is a hazardous guess.

A final note of caution is imperative. Nothing of the above is meant to discount the many developmental accomplishments of the Modi regime. India now is a major world player. The nation surpassed the United Kingdom as the fifth largest economy in the world. The lament here, however, is about the fundamental issue of the decline of constitutional democracy. If the Indian populace is willing to ignore that in favor of whatever prosperity they can enjoy, they could probably be making a Faustian bargain.

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Systematic child abuse incidents in a children's residential home in Hong Kong: regulatory and criminal law reform proposals

Child abuse
in a children's
residential
home

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Abstract

Purpose – The paper aims to recommend legal and regulatory reforms to better prevent child abuse in childcare institutions in Hong Kong.

Design/methodology/approach – A summary of investigation report and news reports are referred to in describing the abuse incidents which occurred in a children's residential home. Routine Activity Theory (RAT) is used as the framework for identifying the causes. Local and overseas legislation, regulations, case law, and policies are analysed to provide recommendations for reforms.

Findings – There are systematic failures such as workload issues, inadequate supervision, and the absence of continuing professional development (CPD) that contributed to the incidents. The regulations governing the operation of childcare centres and criminal laws against child abuse are long overdue for an update in Hong Kong. On the institutional side, this paper recommends enacting regulations that mandate CPD, lower the staff-to-child ratio, and strengthen the Social Welfare Department's (SWD) supervisory powers over childcare centres. From the criminal law perspective, it is recommended that "reasonable chastisement" be abolished as a defence of corporal punishment, and that there be new offences for failure to report suspected child abuse incidents and causing or allowing the death/serious harm of a child.

Originality/value – The child abuse incidents, occurring in a childcare institution, have drawn wide public concern. Reform is required to protect vulnerable children and regain public confidence.

Keywords Children's residential home, Child abuse, Regulatory reform, Criminal law, Legal reform

Paper type Research paper

Introduction

The term "child abuse" may be interpreted as "all types of physical and/or emotional ill-treatment, sexual abuse, neglect, negligence and commercial or other exploitation, which



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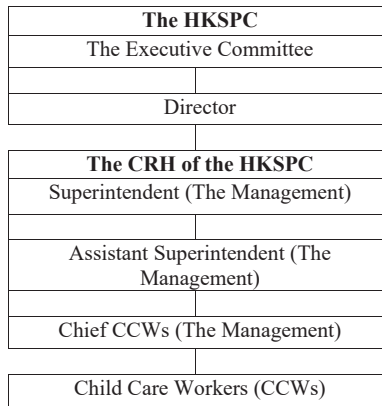
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results in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power” (World Health Organization, 2022). In December 2021, it was revealed that the Hong Kong Society for the Protection of Children (HKSPC) failed to prevent its staff from inflicting physical and emotional abuse to 40 children under its care. These incidents raise the question of what actions should be taken to prevent similar incidents in future.

This paper is structured into four sections. The first section provides an overview of the child abuse incidents at the Child’s Residential Home (CRH) of HKSPC. The second section analyses the causes of the incidents through the application of RAT. The third section outlines the research methodology this paper employs. The final section examines how the inadequacies of the regulatory framework governing CRHs and criminal laws against child abuse have contributed to or aggravated the causes of the incidents and recommends legal reforms.

An overview of the child abuse incidents

The CRH provides round-the-clock residential service for children aged below three who were abandoned, orphaned, come from families facing social problems, or were referred to it by court order (HKSPC, 2023). It is required to meet the essential service requirements and service quality standards under its Funding and Service Agreement with the SWD and comply with statutory requirements (HKSARG, 2022). Its organisation is as follows: (see Figure 1)



Source: By authors

Figure 1.
Organisation of the
CRH of the HKSPC

Below Table 1 is a chronology of the child abuse incidents:

Dates	Events
18/12/2021	The HKSPC received an email alleging that some of its staff were abusing children under their care
03/01/2022	An Independent Review Committee (IRC) was formed to investigate the incidents and provide recommendations to prevent similar incidents

Table 1.
A chronology of the
child abuse incidents

(continued)

Dates	Events
26/01/2022	Having reviewed the CRH's CCTV footage, the IRC discovered that some CCWs slapped children in the face, pulled their ears, and threw them onto the ground. The IRC opined that such conduct may constitute child abuse
17/03/2022	At least thirty-two CRH staff were arrested on suspicion of assaulting or neglecting forty children in their care. Twenty-seven of them were prosecuted (Leung, 2022).
31/03/2022	The HKSPC announced that the CRH's services will be fundamentally reformed over the next nine months, with "improved, additional training, expanded resources, and higher staffing ratios"
11/04/2022	The staff-to-child ratio of CRH was lowered from 1:7 to 1:5. Ninety percent of the CRH's current staff were newly recruited (Oriental Daily News, 2022)
28/06/2023	Fifteen of the CRH staff were convicted while other criminal proceedings remain ongoing

Table 1.

Analysing the causes of the incidents through RAT

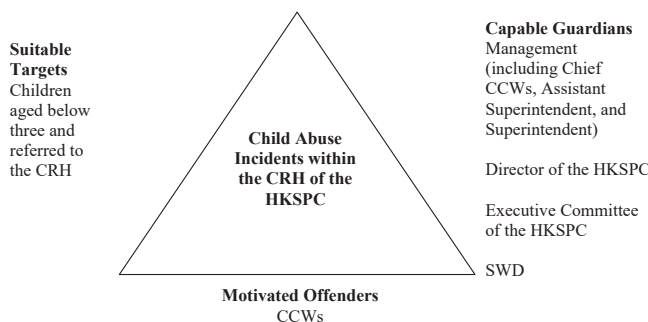
Cohen and Felson (1979) suggest that a direct-contact predatory crime occurs when three elements converge at the same time and space: motivated offenders, suitable targets, and the absence of capable guardians. RAT has been extended to explain child victimization (Culatta et al., 2020; Reid and Sullivan, 2009). As physical and emotional abuse inflicted on children is a direct-contact predatory crime, RAT will be applied to analyse the causes of the incidents (Felson and Boba, 2010). The following analysis corresponds to RAT's elements: (see Figure 2)

Motivated offender

A motivated offender has "criminal inclinations and the ability to carry out those inclinations" (Cohen and Felson, 1979, p. 590). In the present case, CCWs were responsible for ensuring the safety and taking care of children in the CRH (HKSPC, 2022). As they were rough in their physical handling of the children, CCWs are identified as the motivated offenders.

It is crucial to analyse the circumstances which bred CCWs' criminal inclinations to maltreat children. Firstly, the CCWs had a poor practice of disciplining children, focusing on controlling children quickly by using violent methods without regard for their feelings, emotions, and dignity. The result of this was a culture of rough handling of children among CCWs to compel submission of children (Kong, 2022). Although CCWs might not have caused any apparent injuries to children in their rough handling, the latter were in discomfort and pain (HKSPC, 2022).

Secondly, the culture of rough handling was exacerbated by the tremendous pressure that CCWs face. CCWs were required both to pay attention to children and perform administrative work. The staff turnover rate has also been high in recent years. With the heavy workload,



Source: By authors

Figure 2.
The three elements of a
direct-contact
predatory crime, as
identified by RAT and
applied to this case

colleagues discouraged new workers from comforting children to save time for other tasks (HKSPC, 2022). These discouragements prompted an atmosphere among CCWs adopting “uncaring attitudes and complicit oblivion” toward children in their care (HKSPC, 2022, para. 20).

Thirdly, CCWs lacked respect for the physical and emotional well-being of children and had little understanding of child protection. Astonishingly, the last child abuse training held for CCWs was in 2015 (HKSPC, 2022). The lack of training is identified as a common theme among mass abuses in CRHs (Stein, 2006).

Since rough handling of children had been an accepted norm among CCWs, they alerted one another when their supervisors were nearby and refrained from reporting any irregularity. The norm further developed and formed a vicious cycle that diminished the standard of care substantially over time (HKSPC, 2022).

Suitable targets

Cohen and Felson (1979) define “suitable targets” as people who lack the physical ability to resist and are easily visible and accessible to the motivated offender. Given that children have a smaller physical stature, are socially and psychologically immature, and are dependent upon adults for protection, they are unable to resist even if they are aware of any physical or psychological abuses (Finkelhor, 2007; Reid and Sullivan, 2009). As children referred to the CRH are unable to resist or complain and easily accessible to CCWs, they are identified as the suitable targets.

Capable guardian

A capable guardian is “any person or thing that discourages crime from occurring” (Cohen and Felson, 1979; Reynald, 2019, p. 13). It prevents crime by serving as a reminder that someone is looking (Felson, 1995). In CRHs, daily supervision and necessary intervention are crucial components of effective guardianship (Reynald, 2019).

The management

The management (including Chief CCWs, the Assistant Superintendent, and the Superintendent) was responsible for overseeing the frontline operations and administrative tasks of the CRH, including monitoring the performance of CCWs and reporting to the Executive Committee (HKSPC, 2022). As its supervisory functions are crucial to the prevention of child abuse, the management assumes the role of a capable guardian. Nevertheless, it failed to prevent the motivated offenders from offending.

There were four aspects of failure from the management (HKSPC, 2022). Firstly, the management was wilfully blind to CCWs’ rough handling of children. It only gave mild reminders to CCWs about their duties, to which the latter responded perfunctorily or not at all. It claimed that CCWs were trustworthy and seldom monitored their performance or gave them any feedback. Even when the management stipulated occasional requirements on CCWs, it did not audit their compliance. Further, when it realised that abuses might have occurred, it did not intervene timely or report to the police. Secondly, there was no effective supervisory mechanism. The management took little or no disciplinary action against professional malpractice. Furthermore, it did not regularly review CCTV footage to detect possible incidents. The absence of scrutiny contributed to CCWs’ fearless continuance of their abuses. Thirdly, the management was unable to perform its supervisory functions due to its tremendous workload. The Chief CCWs were required to supervise staff, handle administrative work, and resolve mundane matters. Its focus was also diverted by administrative issues. Fourthly, the management did not encourage internal reporting of child abuse. The lack of internal reporting was attributable to the management’s indication that it would accept the practice of rough handling and CCWs’ fear that reporting would lead to isolation from their colleagues (Li, 2022). The management, as capable guardian, in failing to discharge its supervisory duties, was inept in preventing the motivated offenders (i.e., CCWs) from abusing children.

The Organisation

The Director of the HKSPC. The director of the HKSPC, who is accountable for the entire administration of the CRH, is supposed to be a capable guardian. However, she reported that she was oblivious to the incidents, made few visits to the CRH, and never reviewed the CCTVs, all of which provided ample opportunities for the motivated offenders (Li, 2022).

The Executive Committee. The HKSPC's Executive Committee was responsible for supervising and monitoring the performance of the management and CCWs (HKSPC, 2022). Given its broad supervisory powers, the Executive Committee was capable of preventing CCWs from abusing children. However, it failed to prescribe any monitoring procedures at the organisational level. There were also no delegates to oversee child protection or the CRH's management, nor were there any complaint-handling or whistleblowing mechanisms for suspected cases of child abuse.

The SWD. The SWD is obliged to inspect the CRH. However, even though the SWD conducted six full inspections of the CRH in 2021, no abnormalities or suspected cases of abuse were discovered (Lao, 2022). As such visits did not include random checks, instances of child abuse were not readily detectable. Nor were there any health inspectors and professionals during inspections (Labour and Welfare Bureau and Social Welfare Department, 2022). This provided a breeding ground for motivated offenders.

Research methodology

This section outlines the research methodology that this paper employs in making reform recommendations on the regulatory framework governing CRHs and criminal laws against child abuse.

Hong Kong legislation and government policies

Relevant legislation, cases, and government documents were examined as a desktop study design for understanding Hong Kong's regulatory framework governing CRHs and criminal laws against child abuse. It supplements the above analysis on the causes of the incidents and lays the foundation for legal recommendations made.

The following legislation and cases in Hong Kong are scrutinised:

- (1) Child Care Services Ordinance (Cap. 243) (CCSO)
- (2) Child Care Services Regulations (Cap. 243A) (CCSR)
- (3) Offences Against the Person Ordinance (Cap. 212) (OAPO)
- (4) *R. v. William Ryan Erisman* [1988] 1 HKLR 370

Related government documents are also analysed:

- (1) Service Quality Standards (SQSs) and Criteria
- (2) Operation Manual for Pre-Primary Institutions
- (3) Service Performance Monitoring System Performance Assessment Manual (SPMSPAM)
- (4) Protecting Children from Maltreatment — Procedural Guide for Multi-disciplinary Co-operation (Procedural Guideline for Protecting Children)
- (5) The Law Reform Commission (LRC) of Hong Kong: Consultation Paper and Report on Causing or Allowing the Death of a Child or Vulnerable Adult

Legislation in other common law jurisdictions

Relevant legislation in other common law jurisdictions such as the United Kingdom (“UK”) and Australia are reviewed because:

- (1) Same with Hong Kong, the UK and Australia are common law jurisdictions which allow for a meaningful comparative exercise in search for better procedures and measures in the regulatory and criminal law framework.
- (2) The UK’s legal regime has undergone fundamental reform in the recent decade. Also, some Australian states mandate a reporting duty which is novel to Hong Kong. The development in these jurisdictions is of immense reference value.

The following documents are scrutinised:

- (1) The Children’s Homes (England) Regulations 2015 (TCH(E)R)
- (2) The Early Years Foundation Stage (Welfare Requirements) Regulations 2012 (TEYFS(WR)R)
- (3) Statutory Framework for the Early Years Foundation Stage (The EYFS Framework)
- (4) Her Majesty’s Chief Inspector of Education, Children’s Services, and Skills (Fees and Frequency of Inspections) (Children’s Homes, etc.) Regulations for Inspection, 2015 (The Inspection Regulations)
- (5) Inspection Handbook: Children’s Homes
- (6) Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 (C(ADRP)(W)A)
- (7) Children and Young People (Safety) Act 2017 (South Australia) (CYP(S)A)
- (8) Criminal Law Consolidation Act 1935 (South Australia) (CLCA)

A three-step review process is adopted to identify recommendations:

- (1) The selected legislation and documents were examined.
- (2) The UK’s legal regime has been selected as the primary model to reference for institutional reform as its laws are more recent than Hong Kong’s after an amendment and there has been a growing emphasis on the institutional side. Other UK and Australian Acts are helpful references for proposing criminal law reform.
- (3) Having analysed the relationship between the causes of the incidents and deficiencies in Hong Kong’s regime, other documents (e.g., consultation papers) relevant to selected laws have been studied to reach the final recommendation.

Secondary sources

The Executive Summary of the IRC’s First Interim Report and other news reports are studied to identify the causes of the incidents.

Legal recommendations for preventing similar incidents

This paper has previously analysed the causes of the incidents through RAT. It is suggested that Hong Kong’s unsatisfactory state of law, both institutional and criminal, has contributed to or aggravated such causes. Immediate legal reform is therefore required. With reference to the relevant UK and Australian laws, this section will make legal reform recommendations to strengthen child protection in Hong Kong and prevent similar incidents from reoccurring.

1. Enacting mandatory CPD regulation

Through RAT, it is observed that the absence of staff training (or CPD) on child abuse had bred CCWs' lack of respect for the well-being and dignity of children. This created a norm of rough handling that encouraged CCWs to employ violent methods to ensure submission of children. Under this norm, CCWs also shielded one another and refrained from reporting any irregularity to the management. Therefore, CCWs have become the motivated offenders.

There are currently no requirements for CCWs to undertake CPD in Hong Kong. To qualify as a CCW, Regulation 3(1)(b) of the CCSR simply requires one to complete a course approved by the Director of Social Welfare (DSW) (HKSARG, 2008). Neither does the Operational Manual (which elaborates upon the statutory obligations that the CRH should follow) require the management to provide CPD for CCWs (Education Bureau, 2021).

CCWs have highly demanding roles and duties which require experience and the personal skills necessary to foster trusting relationships with children (Bettmann *et al.*, 2015). Quality training is crucial in ensuring children's needs are met and that they achieve positive outcomes (Department for Education [DfE], 2014). CPD is also necessary to equip CCWs with the requisite skills (e.g., attachment-informed care) to support vulnerable children (Steels and Simpson, 2017).

Therefore, it is recommended that a provision mirroring Regulation 33(4)(a) of the TCH(E)R, which requires residential homes to ensure all employees undertake appropriate CPD courses (HM Government, 2015a), be incorporated into the CCSR. Topics including child psychology, behaviour management, child protection, and mandatory reporting should be covered (White *et al.*, 2015). CCWs should be given the opportunity to discuss the challenges that they encountered at work (The RTK Ltd., 2021). This recommendation aims to prevent the norm of rough handling by inculcating CCWs with the importance of child protection. Mandatory CPD could enhance the competency of CCWs by strengthening their confidence and enthusiasm in addressing the challenges brought by vulnerable children (Rohta, 2021).

2. Lowering the staff-to-child ratio

Through RAT, it is suggested that the tremendous workload faced by CCWs and the management contributed to the incidents. The unbearable work pressure in the CRH resulted in a high turnover rate of CCWs, which contributed to the deterioration of good practices and the norm of rough handling (Kong, 2022). This transformed CCWs into motivated offenders. Furthermore, the management was unable to discharge its role as a capable guardian, as its time was primarily occupied by administrative issues.

The regulatory regime contributed to the norm of rough handling and bred motivated offenders. Regulation 6 of the CCSR stipulates a 1:8 staff-to-child ratio during the daytime (8 am–8 pm) and a 1:12 ratio during the night-time (8 pm–8 am). The regulation is legally binding on all Child Care Centres (CCCs) and was followed by the CRH (HKSARG, 2008). The calculation of staff includes CCWs and supervisors present in the CRH (Education Bureau, 2021). At the operational level, the staff-to-child ratio of the CRH is 1:6 (for children aged 0–below 2) and 1:11 (for children aged 2–below 3) (Committee on Review of Residential Child Care and Related Services, 2022). As children at the CRH are below three and incapable of controlling themselves well (Tao *et al.*, 2014), it is expected that CCWs have to invest tremendous effort and time to take care of a large number of children.

In the UK, to ensure that children are adequately supervised, paragraphs 3.31–3.32 of the EYFS framework (binding on all early years providers under Regulation 3(2) of the TEYFS(WR) R) provides a staff-to-child ratio of 1:3 and 1:4 for children aged under and over two respectively (DfE, 2021; HM Government, 2012). The UK regulations are relatable to Hong Kong as the CRH

accommodates children aged under three (HKSPC, 2023). In comparison, the staff-to-child ratio in Hong Kong is disproportionately high. To end the norm of rough handling and strengthen the capacity of capable guardians, the staff-to-child ratio in the CCSR should be lowered. Thus, this paper supports the HKSPC's reduction of staff-to-child ratio from 1:7 to 1:5 and recommends the CCSR be amended accordingly (Oriental Daily News, 2022).

3. Strengthening the supervisory regime over CRHs

It has been analysed through RAT that the SWD, another capable guardian, was unable to discover any instances of child abuse despite having conducted inspections. There are areas of concern with the SWD's supervisory framework which may have contributed to the incidents.

Under Section 13(a) and (b) of the CCSO, the DSW or any inspector may enter and inspect any CCC as well as any document related to its management (HKSARG, 2021a). The SPMSAM differentiates between Regular and Surprise Visits. While Regular Visits are conducted within 28-35 days after a notice is given, no such notice is given for Surprise Visits. Both types of visits assess the CCC's implementation of SQS and performance under the SFA (SWD, 2012). Particularly, SQS16 requires the CRH to take reasonable steps to ensure that children are not abused (SWD, 2022).

The SPMSAM requires the assessor to report all non-compliance found in the assessment. The service operator must then submit to SWD a rectification action plan and rectify them under SWD's scrutiny (SWD, 2012). Under Section 9(a) of the CCSO, the DSW may cancel a CCC's registration if it is run by unfit persons or not under the continuous supervision of a person with sufficient experience (HKSARG, 2021a).

There are three areas of concern with the current supervisory regime. Firstly, the frequency of inspections should be stipulated. In the UK, Regulation 27(1) of the Inspection Regulations requires children's homes to be visited at least twice per year (HM Government, 2015b). All such visits are surprise visits (The Office for Standards in Education, Children's Services and Skills, 2015). To ensure timely and effective monitoring, the inspection frequency of at least two visits per year should be stipulated in Section 13 of the CCSO. During such visits, the SWD should review CCTV footage to identify any instances of non-compliance. As child abuse incidents may be easily revealed, the motivated offenders will be deterred from maltreating children. Secondly, the inspection regime could be improved by imposing a statutory duty on CRH to uphold its duties of child protection. Unlike the UK's TCH(E)R, which sets out the quality standards that children's homes must meet, Hong Kong has no equivalent. The CCSO should mirror the "quality and purpose of care" and "protection of children" standards in the UK Regulations 6(2)(b)(iii), 12(2)(a)(v), and 12(2)(a)(vi) to oblige the management to ensure that CCWs treat children with dignity and respect, understand their responsibilities in protecting children, and take effective action whenever there is a serious concern about children's welfare (HM Government, 2015a). These standards are consistent with the CRHs' duties to protect vulnerable children from abuse and provide the highest quality of care (DfE, 2014). Thirdly, the Justice of the Peace Visit Program (which arranges visits to custodial institutions or detained persons) should be expanded to cover CRHs. Inspections conducted by independent persons not only enable impartial assessments to be made (DfE, 2014), but also relieves the SWD of pressure. They should be empowered to conduct investigations by making inquiries into staff complaints and referring them to the SWD for follow-up action (Administration Wing of the Chief Secretary for Administration's Office, 2020). This provides an additional safeguard for early identification of suspected cases of child abuse.

Criminal laws against child abuse

1. Abolishing the defence of reasonable chastisement

The IRC identified ten instances of physical abuse administered by motivated offenders (i.e., CCWs), including using slapping as corporal punishment. General Comment No. 8 of the United Nations Committee on the Rights of the Child (UNCRC) defines corporal punishment as “any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light” (UNCRC, 2007, para. 8). Although Regulation 15 of the CCSR prohibits corporal punishment, it only carries a maximum penalty of one year’s imprisonment to offenders and thus lacks a deterrent effect (HKSARG, 2008). In Hong Kong, the common law defence of reasonable chastisement, which permits corporal punishment unless it is “excessive”, remains valid in cases of common assault and assault occasioning actual bodily harm (The Supreme Court of Hong Kong, 1988; Birchall and Burke, 2020).

In Wales, under Section 1(1) of the C(ADRP)(W)A, this defence has been abolished, meaning that corporal punishment is unjustifiable on any grounds (Welsh Government, 2022). In fact, there is no evidence associating physical punishment with positive outcomes in children (Gershoff and Grogan-Kaylor, 2016). Corporal punishment is correlated with child aggression, antisocial behaviour, mental health problems, and diminished moral internalisation (Smith, 2006).

By permitting some forms of unacceptable physical punishment such as slapping, the reasonable chastisement defence may encourage motivated offenders’ (i.e., CCWs’) rough handling practices. Although children aged below three may be hyperactive or inquisitive, it does not mean that the use of corporal punishment to maintain desirable behaviour in them can be justified (Goldschmied and Jackson, 2004). At common law, given the ambiguous concept of “reasonableness”, it is unclear that what kind of punishment is considered excessive (Rowland *et al.*, 2017). Such a legal uncertainty may cast an impression on the motivated offenders that only some forms of corporal punishment are criminally liable.

It is therefore recommended that the defence be abolished in Hong Kong through legislation. If the motivated offenders understand that physical assault on children is unacceptable for whatever reason, they will no longer regard rough handling as the norm and their criminal inclinations can be curbed.

2. Mandatory reporting of suspected child abuse cases

The child abuse incidents were not revealed until reported by the public. As a capable guardian, the management was aware of the incidents but did not intervene. Also, none of the CRH staff reported any incidents to the police or the management out of fear of alienation from their colleagues. While the SWD has published a Procedural Guideline for Protecting Children which establishes the steps that professionals may take to report suspected abuse incidents (SWD, 2020), Hong Kong has no mandatory reporting system for child abuse (when this paper is prepared). The occurrence of the incidents indicates that the SWD guidelines were not strictly observed by the CRH. The absence of a mandatory reporting system has contributed to the intentional oversight of the capable guardians over the incidents.

The LRC Consultation Paper explains that under a mandatory reporting system, professionals who work with children are “obliged to report cases of suspected abuse and neglect” to the authorities (LRC, 2019, para. 8.54). An example can be found in Sections 30 and 31 of the CYP(S)A, which require employees of childcare services to report suspected cases of child abuse if they reasonably believe that a child is at risk (Government of South Australia, 2017).

This paper recommends the implementation of such a system in Hong Kong. Firstly, if failure to report child abuse constitutes a criminal offence, staff will not knowingly cover up incidents in fear of criminal sanctions (Mathews, 2015). Motivated offenders will also be prevented from embarking upon their criminal inclinations due to the enhanced risk of detection. Secondly, there could be swifter interventions by law enforcement agencies if reports on suspected cases of child abuse were made much earlier. Thirdly, the system can strengthen the public’s awareness of the

significance of reporting child abuse (UK Home Office, 2015) and foster a child-centred culture that abhors child abuse (Australian Institute of Family Studies, 2020).

However, in Hong Kong, the Procedural Guideline for Protecting Children, which was introduced by the SWD to strengthen staff's awareness of reporting child abuse, was simply disregarded by the CRH staff. Furthermore, as compared to the UK, Hong Kong generally lacks a whistleblowing culture in its child protection system that brings the same benefits of a mandatory reporting system. Therefore, it is recommended that a mandatory reporting mechanism mirroring the CYP(S)A should be enacted to deter CCWs from concealing suspected cases of child abuse. The authorities may then take prompt action after receiving such reports.

3. A new offence of failure to protect a child

As previously analysed, the CRH has failed to discharge its duty as a capable guardian to children under its care, and its supervisory mechanism failed at all levels (including the management, the Director of HKSPC, and the Executive Committee). The absence of criminal liability over failure to discharge such important duties contributed to their wilful blindness.

Section 27(1) of the OAPO prescribes an offence on anyone aged above sixteen who wilfully assaults, ill-treats, or neglects children under his/her care, carrying a maximum penalty of ten years of imprisonment (HKSARG, 2021b). However, when multiple defendants are charged with such an offence, they must be all acquitted if it is unclear which of them inflicted harm on the victim (LRC, 2021).

The LRC (2021) has recommended enacting a new offence of “failure to protect a child or vulnerable person” based on Section 14 of the CLCA. The offence criminalises negligence in a person: 1) who owes a “duty of care” to the victim; 2) who knew, or had reasonable grounds to believe, that there was a risk of serious harm to the victim; and 3) who failed to take reasonable steps to protect the victim from such harm. Such a person who falls so far short of the standard of care reasonably expected of him or her is, in the circumstances, so seriously negligent that a criminal penalty is warranted (Government of South Australia, 1935).

This paper supports implementing the LRC's proposed offence as it also criminalises those who permitted child abuse to occur without taking reasonable steps to prevent the abuse (Henry *et al.*, 2020). This remedies Section 27(1)'s weakness. It would also facilitate early identification of suspected child abuse cases by imposing a duty on capable guardians to intervene (LRC, 2021). Finally, the proposed offence only reinforces the basic duties that childcare professionals bear in safeguarding children's best interests and does not impose any additional obligations. Institutions that have complied with their required standards will be considered to have taken reasonable steps to protect children (LRC, 2021).

Conclusion

Using RAT as the framework, it is analysed that the lack of CPD on child protection and disproportionate staff-to-child ratio contributed to a norm of rough handling in the CRH, which encouraged CCWs (as motivated offenders) to handle children under their care (as suitable targets) roughly. There is also maladministration of the management as a capable guardian due to manpower issues. The lack of supervision from the management aggravated CCWs' assimilation of this norm, leading to the incidents. By analysing the incidents through RAT and their relationship with the insufficiencies in the existing legal regime, this paper recommends urgent legal reform to protect vulnerable children and regain the shattered public confidence in the childcare industry.

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Critical success factors of Public-Private Partnerships in the education sector

Public-private
partnerships

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Abstract

Purpose – This paper aims to identify the factors affecting the implementation of Public-Private Partnerships (PPPs) in the education sector.

Design/methodology/approach – Based on Scopus and adopting the protocol of Staples and Niazi (2007), this systematic literature review examined 21 articles on PPPs in the education sector. Content analysis is adopted to identify research gaps and provide information on critical issues in the cases.

Findings – The findings have identified the critical success factors of PPPs in the education sector in 12 countries, revealing varying degrees of success and implementation challenges. They reflect the importance of clear objectives, effective communication, and robust partnerships between the public and private sectors to achieve success. These insights contribute to an in-depth understanding of PPP implementation in education, which can guide future projects.

Originality/value – The critical success factors identified in PPPs implementation in education across various countries may provide a comprehensive worldwide perspective for researchers, practitioners and policymakers.

Keywords Public-Private Partnerships, Critical success factors, PPP in education, Education policy, Content analysis

Paper type Research paper

Introduction

Over the past decade, the significance of Public-Private Partnerships (PPPs) in social policy areas such as education have increased in terms of public financing. The private sector enhances efficiency, productivity, and results, whereas the public sector manages finances, policy changes, quality assurance, and public mandates in the public interest. Larocque (2008) classified education PPP programs as private sector initiatives to assist public schools in acquiring resources. Government voucher initiatives can assist students in attending private schools, and school management initiatives may enhance teacher resources and curriculum. The PPPs manage, maintain, and support teacher training, curriculum design, and operational services such as vouchers, subsidies, grants, allowances, as well as infrastructure, such as school construction (Robertson *et al.*, 2012). Typically, the voucher system is a prevalent PPP model (Ansari, 2021; Barrera-Osorio *et al.*, 2012) in which students



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receive state-issued vouchers to pay for tuition and other expenses at private (or public) schools.

Extant research has addressed the expansion of PPP in the educational sector from various perspectives. During the pandemic, education was supported by the successful implementation of PPP (Walsh *et al.*, 2020). Several studies have examined one model of PPP education implementation (Chattopadhyay and Nogueira, 2014) and student contentment as facility recipients (Babatunde and Perera, 2017). Other studies have addressed the failure of educational PPP implementation, including party cooperation mechanisms and indicators of imprecision in policy implementation (Cancedda *et al.*, 2014; Wokadala and Barungi, 2015). On the other hand, international organizations that support PPPs in education, such as the World Bank, Education Development Trust, and Asian Development Bank, have also published several studies and books examining the specifics of PPP procedures and progress toward better education (Kim *et al.*, 2011; Larocque, 2008).

The success of PPPs in infrastructure and social sectors has been studied extensively in many nations (Amović *et al.*, 2020; Babatunde *et al.*, 2012; Osei-Kyei *et al.*, 2017). However, research on the factors that affect the implementation of worldwide educational PPPs is limited. Helmy *et al.* (2020) interviewed project participants in Egypt to investigate this topic. Twinomuhwezi and Herman (2020) investigated how stakeholders perceive the success or failure of universal secondary education to determine the success of PPPs in other education sectors. However, it focused on Uganda. Hence, a systematic literature review of international studies was performed to identify the factors influencing the implementation of PPPs in education. Content analysis was then used to investigate the factors of PPP implementation by examining programs from various countries.

Methodology

Under the protocol of Staples and Niazi (2007), a systematic literature review was conducted to identify, evaluate, and analyze published studies on PPP education. This analysis was limited to the successes and failures of PPP practitioners. The data mining procedure began with a Scopus database search for “Public-Private Partnership” and education-related terms, such as education, learning, and students. The initial data search yielded 11,670 diverse publications, including books, articles, and reports. Subsequent screening of this study was restricted to English-language articles and articles with PPP-related keywords, yielding a total of 218 documents. This screening and filtration procedure utilized Scopus filter functionality. Subsequently, the authors examined the documents for completeness, and discovered 53 documents. Owing to the vast extent of the implementation of PPP education programs, only 21 articles were eligible for analysis, as determined by a thorough review of the entire publication. Content analysis concludes the message data objectively and methodically (Holsti, 1969) and does not employ standard measures (Chua and Zhang, 2020). This analysis was performed by compiling a data table from the 21 articles discovered. This table depicts the data findings beginning with the countries that implement PPP projects, the programs conducted, the success or failure of project implementation, and the factors that affect the practice of PPP projects. Based on the results, the PPP project practices of the 12 nations are analysed.

Findings

The success of a project is multidimensional, and its implementation can be evaluated based on whether it meets the set time, cost, target, objectives, or whether the outputs function as expected and provide the intended benefits. Therefore, the evaluation of success or failure is based on the achievement of the PPP program’s goals and objectives. Research-based data

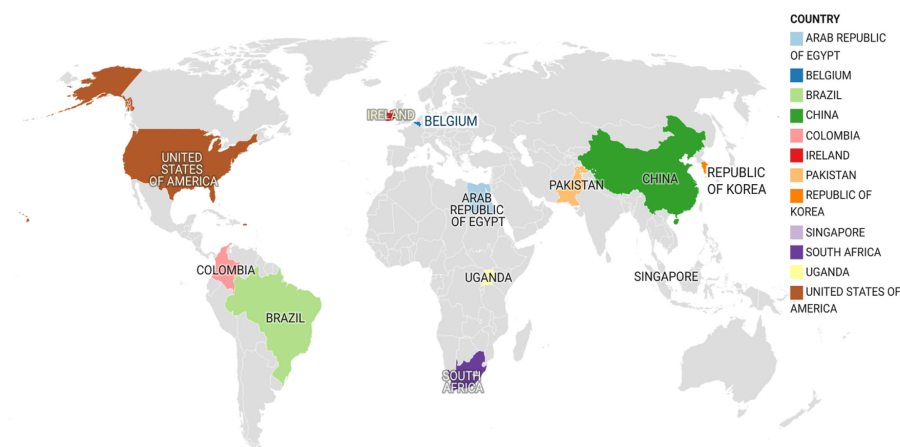
were used to investigate the 12 countries in this study. The World Bank (2019) reported that six countries spent more than 4 per cent of their GDP on education: Belgium (6.3 per cent), Brazil (6 per cent), South Africa (5.9 per cent), the United States (5 per cent), South Korea (4.7 per cent), and Colombia (4.5 per cent). The other six with education expenditure below 4 per cent include China (3.5 per cent), Ireland (3.3 per cent), Singapore (2.7 per cent), Egypt (2.6 per cent), Pakistan (2.5 per cent), and Uganda (1.5 per cent). The following section discusses the PPPs in each country's education sector. See Figure 1.

1. Belgium

The “Scholen van Morgen” (Schools of the Future) project in Belgium is a 1.5 billion Euro education PPP managed by DBFM, Agency for School Infrastructure (AGION), and regular public agency subsidies (Willems, 2014). Under this policy, the private sector will construct and maintain modern, sustainable school buildings owned by school boards for 30 years (Van Gestel *et al.*, 2014). School boards pay performance-based availability fees for the duration of an agreement. However, they acquired the building for nothing from their conclusions. A total of 167 initiatives are managed by the public sector and school board (Willems, 2014). The PPP program's accountability requirements also aided this endeavor. The investment company of the Flemish government, AGION, and the private corporations AG Real Estate and BNP Paribas Fortis contributed to the program's success.

2. Ireland

The Irish Pilot Schools Program utilized PPPs to construct schools in 2002 (O'Shea *et al.*, 2020). Five schools were constructed using a design, build, finance, and maintain (DBFM) system that spanned 25 years and cost €63 million. However, school construction and PPP initiatives have continued. The Comptroller and Auditor General (C&AG) determined that the initiative failed to assess the value for money (VFM), an essential step in PPP governance (O'Shea *et al.*, 2020). After the opening of the coordinated schools, C&AG evaluated VFM. Reeves and Ryan (2007) state that PPP procurement with Jarvis Project Ltd. costs 8-13 per cent more than conventional procurement. A strong VFM requires institutional support. The PPP guidelines require a cost-benefit analysis, VFM assessment, and post-project review to ensure long-term viability and accountability of PPP programs. In 2006, Ireland adopted



Source: By authors

Figure 1.
Country Map: Analysis
of PPP Implementation
in the Education Sector

VFM standards for PPP procurement to manage evaluation, procurement, and post-contract management based on the lessons learned. Subsequently, the National Development Finance Agency (NDFA) was established. The 2010 NDFA education “package” was completed in 2010, 2011, 2013, 2014, and 2019.

3. United States

In the United States, PPP schemes are popular in education sector, including boarding schools. Between 1995 and 2014, PPPs were utilized in 332 student dormitory initiatives in all 50 states (Levey *et al.*, 2020). PPPs established social infrastructure in Florida, Georgia, California, and Virginia. These laws facilitated this scheme for student housing. Each state restricts PPPs to administrative issues in social infrastructure.

4. Colombia

The School Concession (CEC) utilized PPPs to construct schools in Bogota, Colombia. The establishment of 25 concession schools for 40,000 students were established between 1999 and 2003 (Edwards Jr *et al.*, 2017). CECs educate underprivileged children in underserved communities. The program was successful due to performance-based contracts, evaluations, audits, and bureaucratic accountability.

5. South Korea

H-JUMP School is a partnership program for developing education in South Korea. Since 2011, it has educated low-income South Korean children in local learning centers. The participating partners have well-defined responsibilities. “Joining Us to Maximize our Potential” (JUMP) as an NGO provides quality mentors. The public sector employs and supervises instructors, while Hyundai funds up to 75 per cent of the program (Hong and Kim, 2018). All stakeholders believe that trust is necessary for the sustainability and partnership of the program.

6. China

In China, PPPs in the education sector rely on market mechanisms and governmental support. Individuals, governments, and private businesses finance their administration (Pillay *et al.*, 2013). In the 1996 Vocational Education Act, China emphasizes the link between vocational education and industry (Remington and Yang, 2020). Effective partnerships begin with this framework and high-level calls for modern vocational education. The integration of education and industry is improved by flexibility, shared responsibilities, and vocational training recognition, giving graduates meaningful career prospects. One example is the partnership between the Quanzhou Institute of Technology in Fujian Province and the Hengan Corporation. This specialized school providing training in automated production techniques for its suppliers and servicing online sales for sanitary products (Remington and Yang, 2020). The specialized school provides training for industry-wide skills and distributes graduates to its 40 board member enterprises. In 2009, Zhongshan Polytechnic opened a lighting industry school in Gu Zhen township, Zhongshan city, with support from the township government and the lighting industry association (Remington and Yang, 2020). This PPP in China’s skill development landscape shows how to succeed by providing industry-relevant skills training and distributing graduates to member enterprises.

7. Singapore

The University Town-Warren in the dormitories of Singapore Management University (SMU) and the National University of Singapore (NUS) are education-related PPP initiatives (Kim and Kwa, 2020). In 2007 and 2008, the university town initiative expanded and managed

student housing. The enterprise needed to move forward while major pipelines and several large structures were being constructed. The NUS and SMU abandoned this PPP-based initiative to build new student housing and expand government-funded services. Due to pricing policies and student debt reduction, PPPs were impossible. The lack of opportunities for business profits, strict pricing, and desire to reduce the financial burden on students hindered the private sector's willingness to collaborate with the public sector. Social infrastructure PPP failed because of opposition from the public sector and withdrawal pressure. This case demonstrates how regulation and public support can influence the success or failure of PPP initiatives in education.

8. Pakistan

The objective is to use PPP initiatives to provide access to education to disadvantaged students and areas (Ansari, 2020). The Punjab Education Foundation (PEF) promotes PPP education for low-income individuals. More than 2.6 million students are enrolled in partner institutions. Some programs provide education vouchers and grants, such as The Education Voucher Scheme in 2005, which provided \$3.5-7 per student in 1650 schools (Ansari, 2020). Then, Foundation Assisted Schools in 2006, subsidized monthly for students ranging from US\$3.5 to US\$9.6 in 3700 institutions. Others, the New Schools Program built 2404 schools in areas of poverty and provided student aid of \$3.5 to \$9.6 (Ansari, 2021). Through the Public Schools Support Programme in 2016, the PEF privatized education in failing public institutions. Sindh subsequently adopted the Punjab program. With student subsidies and teacher training from the Sindh Education Foundation (SEF), local entrepreneurs can create and manage private schools. One hundred thousand students with higher test scores were enrolled in the program's 2,000 institutions after 1.5 years (Barrera-Osorio *et al.*, 2022). These successful programs utilize PEF and SEF funds. All ongoing programs were monitored attentively.

9. South Africa

The Collaborative Schools Pilot Project manages nonprofit, fee-free, and nonselective schools for disadvantaged students in the Western Cape of South Africa (Feldman, 2020). In 2016, five schools adopted this policy, and PPP legislation legitimized it. However, this was delayed due to opposition from Equal Education, the Progressive Professional Forum, the South African Communist Party, the African National Congress, and the South African Democratic Teachers' Union (SADTU). SADTU argued that the Join Education Trust, the third party that monitored and evaluated the pilot program, should have reported on student progress, and that the lack of interest from the private sector could have improved the program's sustainability. There is a need to explain how the Western Cape Department of Education (WCED) would innovate and enhance school development in this project, or how the funder, schools, and WCED would share responsibility (Feldman, 2020).

10. Brazil

Similar to China, the Brazilian government and two private corporations are constructing technical schools. Two public high schools in Rio de Janeiro, NAVE and NATA, are financed by the State Secretariat of Education (SEEDUC) and two large Brazilian corporations, Oi Telecom for NAVE and Grupo Po de Acucar for NATA (Chattopadhyay and Nogueira, 2014). In Brazil, public schools are distinct from NAVE/NATA schools as both are innovative in terms of subject delivery. Both of them adhere to the standard curriculum and include teaching in their private partner industries. Graduates had more options available to them. Collaborative management supported the success of the program. In Rio de Janeiro, the private sector is responsible for technical education, whereas SEEDUC oversees the

traditional curriculum. Constant communication and decision making exist between partners. NATA and NAVE co-management models rely on extensive teacher interactions (Chattopadhyay and Nogueira, 2014).

11. Egypt

Egypt's education reform incorporates PPPs to increase its competitiveness in the global labor market. Through the Egyptian Education Initiative, multinational corporations can participate in the Egyptian education sector (Helmy *et al.*, 2020). In 2016, the central PPP unit of the Ministry of Finance initiated a private language school. In 2019, 910 classrooms, worth 500 million LE, were purchased. The American Group and the Ministry of Education and Technical Education provided market-relevant specialized education. Vocational training at the University of Egypt meets industry standards. Many factors contribute to the success of PPP education programs (Helmy *et al.*, 2020). First, a transparent PPP plan attracted private investment in Egypt's education sector. These initiatives will be executed by satellite PPP units within the Ministry. Furthermore, economic support, regulations, and laws promote PPPs.

12. Uganda

Improving educational quality is one of Uganda's development objectives. In 2007, PPP implemented universal secondary education in most public institutions in Uganda (Wokadala and Barungi, 2015). This policy offers secondary education vouchers/subsidies to all poor students (Barrera-Osorio *et al.*, 2020). Participating institutions included 11,007 public and 1,785 private secondary schools (Crawford, 2017). From 2007 to 2014, 873,476 students participated in the program. The program increased school administration efficiency. This was influenced by the public sector's clear agreements, goals, and objectives to reduce the cost of access to education (Wokadala and Barungi, 2015). However, the effectiveness of PPPs in Uganda did not increase student enrollment.

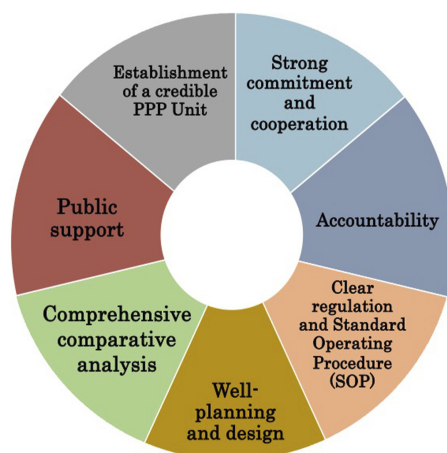
Discussion

Critical success factors of PPP implementation in the education sector

The descriptions of PPP implementation in various nations highlight several crucial program success factors. Goals and objectives can be accomplished only if these conditions are fulfilled. The critical success factors outlined below are derived from previous PPP education programs in various nations. This analysis identifies seven crucial factors that impact the implementation of PPPs in the education sector. See Figure 2.

a) Strong commitment and cooperation

The success of the Universal Secondary Education (PMU) program in Uganda (Wokadala and Barungi, 2015) and H-JUMP Schools in South Korea (Hong and Kim, 2018) were influenced by a strong commitment. Public, private, and political commitment affects the success of a program (Amović *et al.*, 2020; Babatunde *et al.*, 2012; Osei-Kyei *et al.*, 2017; Twinomuhwezi and Herman, 2020). Regular communication develops trust, clarifies policies, and reduces information asymmetry. To be successful, all project participants must work diligently (Chan *et al.*, 2004; Li *et al.*, 2005; Mannan, 2014), establish cooperative conduct, which is obligatory and essential in partnership settings (Dalcher and Lebel, 2010), and accomplish shared objectives (Brito *et al.*, 2014). This collaboration aided PPP education service programs in Belgium, South Korea, and Brazil. The PPP process map should divide tasks, competencies, and agreements through collaboration (Amović *et al.*, 2020). A lack of vision and commitment can delay the completion of the undertaking. Governments, businesses, and civil society must work together to accomplish these objectives. A solid public-private partnership can enhance educational outcomes, accessibility, and costs.



Source: By authors

Figure 2.
Critical Success
Factors Component of
PPP Implementation in
the Education Sector

b) Accountability

Partners in PPPs must be held accountable through transparent mechanisms (Twinomuhwezi and Herman, 2020). PPP programs in education place a heavy emphasis on financial accountability (Osei-Kyei *et al.*, 2017). Schools of the Future in Belgium were successful because of a three-pronged accountability system: reporting to parliament, parliamentary approval of specific rules for major initiatives, and information sharing and discussion (Willems, 2014). Accountability is closely related to the government's duty to establish policies and practices that safeguard against injustice and abuse of power as well as the performance of a program for the benefit of society (Willems, 2014). Good governance requires accountability for PPP initiatives (Helmy *et al.*, 2020). A lack of accountability can result in poor education quality, inefficient resource utilization, and stakeholder mistrust. Therefore, transparency and proactive public disclosure are required to prevent misuse of project funds and corruption (Chang *et al.*, 2021).

c) Clear regulation and Standard Operating Procedure (SOP)

Similar to other PPPs, formal laws and regulations are necessary. Governments or ministerial regulations may impede PPP implementation in nations without PPP legislation. Successful PPPs require investors to develop long-term projects under applicable laws and regulations (Amović *et al.*, 2020). Investors may need to help comprehend the various regulations and develop successful PPPs. China's 1996 Vocational Education Act (Remington and Yang, 2020) and US state laws enacted under the agreement and their legislatures support PPP education programs (Levey *et al.*, 2020). Singapore banned university housing fees for public goods (Kim and Kwa, 2020). The constitution and laws of a country determine its national or regional regulations. Center-local relationships are crucial for PPP development (Mao, 2023).

Local governments may deviate from these regulations if they impose restrictions that are difficult to implement at the local level or do not meet local requirements. Therefore, central and local governments should establish explicit, objective, and practical regulations, including risk matrices in solicitation documents (Da Cruz and Marques, 2012). PPP education can fail because of ambiguous regulations (Petersen, 2010). These regulations should also address how the government handles competitive tendering and unsolicited proposals (USPs). USPs have been developed by private companies that pursue business opportunities (Yun *et al.*, 2015). As the sector provides social services, accepting or rejecting unsolicited proposals must be carefully

considered. Some nations have successfully responded to PPP and USP infrastructure, while others are yet to respond (Marques, 2018). USPs continue to be susceptible to transparency, accountability, and collusion, and have higher costs or favoritism because of less competitive oversight. Because improving education should be a priority for the government, laws and regulations should resolve these issues. Poor regulation results in ambiguous partner responsibilities, potential disputes, delays, and additional costs.

Meanwhile, SOPs for education become performance benchmarks if they guarantee PPPs. Standardization and transparency define procedures, responsibilities, and competencies, reassuring investors and eliminating ambiguity (Amović *et al.*, 2020). This supports PPP initiatives in a favorable business climate. The Irish society values SOP education. Without SOPs, VFM assessments reduce budget efficiency (O'Shea *et al.*, 2020; Reeves and Ryan, 2007). This case study accentuates output standardization. Standard operating procedures ensure efficient communication and cooperation, wasting resources.

d) Well-planning and design

The structure, mechanism, and model of PPP education must be carefully planned and agreed upon. A simple design has attracted investment in the construction of private schools in Egypt (Helmy *et al.*, 2020). Good design influences the success of PPPs (Osei-Kyei *et al.*, 2017). The design incorporates mechanisms (Roehrich *et al.*, 2014) and risk sharing (OECD, 2012) to allow the government and private sector to implement the agreed-upon program. The WCED lost private funding because of the ambiguous project details. Successful PPPs consider the context of implementation. Therefore, a PPP-friendly operating environment is required. The PPP design has to be modified if the operating environment cannot be changed. PPP initiatives may fail due to poor planning and design, especially those disregard community requirements, budget constraints, timelines, and stakeholder participation. Communication, teamwork, and a firm's legal framework are crucial for its successful implementation.

e) Comprehensive comparative analysis

The early failure of a PPP education initiative in Singapore demonstrates the significance of an early cost-benefit analysis. This comparative analysis was included in the project's technical feasibility assessment (Babatunde *et al.*, 2012) and cost-effectiveness comparisons of development costs with other schemes. Technical feasibility is affected by the availability of technology, materials, and labor (Helmy *et al.*, 2020). Technical feasibility must consider the adaptability of requirements. The technical specifications of a long-term PPP contract should evolve while maintaining its original objective. Changes in requirements may delay project development (Klijn, 2010). In addition to technical feasibility, a comparative analysis should consider project viability and monetary value (Cruz and Marques, 2014). If this can reduce the cost and quality of private sector projects, the public sector can attain VFM (Rakić and Radenović, 2011). The public sector should compare these procurements to conventional PPPs and other public-focused and efficient models. Technical evaluations must incorporate the project feasibility. The opportunities and threats that could transform the undertaking are anticipated by sustainability. The absence of a comprehensive investigation comparing the PPP model to other traditional models to determine its efficacy, efficiency, and sustainability can result in ineffective partnerships.

f) Public support

PPP's require support from trade unions, civil society, non-governmental organizations, and the media (Osei-Kyei and Chan, 2015). As education is a public benefit, PPP education prioritizes general objectives. Their implementation was complex in the Western Cape of South Africa, where many communities opposed PPPs (Feldman, 2020). This highlights the need to enhance public criticism in other areas. Community participation helps them comprehend the impacts and

benefits of PPP initiatives, allowing for honest evaluation (Helmy *et al.*, 2020). Program planners can garner support through effective communication. Corruption and lack of transparency in government make PPP schemes undesirable (Osei-Kyei *et al.*, 2017). Therefore, it is necessary to communicate the objectives of the construction of public facilities and services. Education and awareness can increase the program support. The failure of PPPs in education may result from a lack of public support. In the meantime, support for PPPs stems from economic concerns and trust in government, not a preference for business over government (Boyer and Van Slyke, 2019). Therefore, increasing public awareness, sensitivity, and capacity can aid PPP initiatives.

g) Establishment of a credible PPP Unit

Establishing a PPP unit demonstrates a private partner's PPP expertise and commitment (Amović *et al.*, 2020; Farquharson and Yescombe, 2011). According to the Economic and Social Council of the United Nations, successful PPPs require national governmental support. PPP units should be established to illustrate this commitment, improve government capacity and project quality (Helmy *et al.*, 2020), and foster public-private communication. The unit should have clear direction and decision-making authority, not just an advisory function (Sanghi *et al.*, 2007). In addition to contacting potential bidders, maintaining in-country PPP information for projects, and creating, managing, and evaluating PPPs, the entity must also contact potential bidders (Amović *et al.*, 2020). The unit should assist in launching, defining, and implementing PPP policies and recruiting private partners, banks, and financial institutions. An efficient PPP unit can develop and implement guidelines, monitor and evaluate performance, and assist stakeholders including the education sector. Educational PPPs may succeed only with a genuine PPP unit.

Conclusion

There are learning values in the critical success factors of successful and unsuccessful educational PPP projects in various countries. Researchers can identify project success factors by analyzing a variety of context-specific experiences. This information assisted in enhancing education on PPP project strategies and preventing errors. Examining successful and unsuccessful PPPs in education is essential. Failed projects can disclose errors, problems, and pitfalls when implementing educational PPPs. An analysis of these PPP projects can reveal risk factors that were missed during the planning or implementation process. Belgian, South Korean, Brazilian, Egyptian, and Ugandan cases of success can be studied for lessons. In addition, lessons could be learned from Singapore and South Africa regarding the project's failure. On the other hand, Ireland's PPP only succeeded after learning from its errors. Implementing PPPs in various countries can reveal the factors that contribute to the success of education PPPs.

This study has several implications for policy. Policymakers should prioritize institutional infrastructure and the capacity to establish a credible and effective PPP unit. This unit requires the necessary resources, personnel, and authority to implement educational PPP initiatives. Second, education PPP programs require clear regulations and standard operating procedures to reduce abuse, mismanagement, and inefficiency. Third, policymakers should invest in planning, design, and performance evaluation to ensure that PPP programs are accountable and efficient. This study excluded development theory, sociocultural context, and school-level observations as it began with an empirical investigation of alternative methodologies. Each country's sociopolitical and economic contexts can subsequently be compared.

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A stakeholder analysis for sustainable development of Maritime Village in Semarang coastal community, Indonesia

Sustainable
development of
Maritime
Village

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Abstract

Purpose – This paper aims to examine the role of stakeholders and their interconnected relationships based on power and interests in realising sustainable development in coastal areas using the Maritime Village program in Tambaklorok, Semarang City, Indonesia as a case study.

Design/methodology/approach – Data were collected from in-depth interviews and focus group discussions (FGD) with stakeholders, observations, as well as online news, and official government reports, followed by taxonomic analysis.

Findings – The results showed the four categories of stakeholders, namely players, context setters, subjects, and crowd. The Ministry of Public Works and Housing (PUPR), Regional Development Planning Agency (BAPPEDA) of Semarang City, Spatial Planning Agency (DISTARU) of Semarang City, and the Fisheries Office of Semarang City were found to be key players with a role in the success of the program. PT Pelindo (Indonesia Port Corporations) was identified as a context setter with low interests but high power, acting as an accelerator in the development program.

Originality/value – The originality of this study lied in its examination of the power and interests of stakeholders involved in government projects. It was recommended to strengthen coordination among the stakeholders to ensure the success of the program.

Keywords Stakeholders mapping, Stakeholders' roles, Sustainable maritime village, Indonesia

Paper type Research paper

Introduction

The 2030 Sustainable Development Agenda has set a goal to establish an environmental policy to achieve sustainable city living as one of its 17 SDGs (Tuokuu *et al.*, 2019). This is challenging as since half of the world's population already reside in cities, and 6.5 billion people are projected to live there in 2050 (Indonesian Ministry of National Development



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Planning, 2021). Furthermore, cities often face problems concerning transportation, housing, energy, climate change, hazards, social participation, and justice. One of the main factors causing the challenges is population growth (Hossain *et al.*, 2020). To create a safe and sustainable city, it is essential to ensure proper access to adequate, safe, and affordable housing (Ragheb and El-Ashmawy, 2021).

This research was conducted in Semarang City of Indonesia with high population density, specifically in the coastal areas. Studies showed that densely populated coastal areas with low socio-economic conditions can lead to slum-like and uncomfortable environments (Islam *et al.*, 2021). Therefore, the government has initiated the maritime program to arrange the residences of coastal communities in Tambaklorok Village to create an advanced, beautiful, prosperous, and sustainable coastal area based on the development of the economy. Tambaklorok coastal area has a high density of buildings, inadequate infrastructure, poor drainage systems, household waste problems, poor waste management system, and a low level of the community's economy (Indrianingrum *et al.*, 2019; Putri and Setyono, 2021).

The policy of Maritime Village is outlined in Regional Regulation Number 11/2017 concerning Amendments to Regional Regulation Number 6/2016 on the Regional Medium-Term Development Plan of Semarang City for 2016-2021 and Regional Regulation of Semarang City Number 14/2011 regarding Regional Spatial Plan of Semarang City for 2011-2031 (Authori *et al.*, 2022). This policy implementation involves many stakeholders, in which each party has different preferences and interests according to the background and orientation of their development plan. There are still obstacles in the policy implementation, such as rejection from community groups, lack of social empowerment programs, and unclear right to use the area (Authori *et al.*, 2022).

Dimitrovski *et al.* (2021) emphasised the crucial role of various actors or stakeholders in ensuring a balanced social, economic, and environmental outcome in coastal development. Moreover, the success or failure of coastal development policies largely depends on the participation of public and private organisations in the policy subsystem (Graci and Van Vliet, 2020). The importance of stakeholders in the early stages of policy was proposed by Longart *et al.* (2017) to ensure the policy's success and long-term sustainability. This initial involvement will form cross-sector collaboration (Bryson *et al.*, 2006). Furthermore, cross-sector collaboration from stakeholders links information, resources, actions, and capabilities by organisations to achieve goals. This stakeholder governance approach is crucial for sustainable development, which encompasses the four pillars of sustainability, namely human, social, economic, and environmental (Purnaweni *et al.*, 2022). Bryson *et al.* (2006) highlighted internal dynamics, namely engagement with principle, shared motivation, and capacity for collective action, which are important structural elements. Bryson (2004) explained the significance of identifying and analysing stakeholders to achieve organisational goals. From the importance of stakeholder analysis in the public organisation framework, this paper examines stakeholders' roles and their interconnected relationships based on power and interests in realising sustainable development, focusing on the Maritime Village development program in Tambaklorok, Semarang City.

Analysis of stakeholders' roles and mapping

Stakeholders analysis is essential in private and public organisations. Freeman (1984) first developed the concept in his book on Strategic Management: A Stakeholder Approach. They are defined narrowly as individuals or groups who can influence or be influenced when the organisational goals are achieved (Bashir and Sawhney, 2021). Individuals or organisations can be categorised as stakeholders with power, legitimacy, and interests (Tampio *et al.*, 2022). The purpose of stakeholders' analysis in public organisations is to maintain sustainability and balance the benefits of the internal and external environment (Jönsson, 2004).

This analysis aims to evaluate and comprehend stakeholders concerning how an organisation is structured or to ascertain their significance to a project. It leads to an analysis of how stakeholder characteristics affect the decision-making process and how to handle the various types (Ackermann and Eden, 2011). The analysis has five crucial stages, including identifying key stakeholders, describing interests and resources, analysing and categorising features, examining dynamics, and developing stakeholders' management strategies (Bryson, 2004). Stakeholders' involvement is also considered important as evidence of democratic legitimacy in solving social issues (Homer *et al.*, 2022).

Roxas *et al.* (2020) argued that multi-stakeholders involvement is needed in the long-term planning and decision-making process. All stakeholders should be equally involved in every decision-making regardless of the level of power possessed (Byrd and Gustke, 2011). Furthermore, the management promotes decision-making by increasing engagement and shared values by providing more information (Kismartini *et al.*, 2020). Stakeholders frequently conduct formal communication with varied motivations, goals, and roles (Bashir and Sawhney, 2021). Based on literature (Minnaert, 2020), the community, government, private sector/ industries, non-government organisations, and mass media are considered as stakeholders.

Clarkson (1995) categorised stakeholders as follows:

1. Key stakeholders are individuals or groups that play significant role in the success or failure of an organisation. The withdrawal can severely impact the organisation's ability to thrive in the long term.
2. Primary stakeholders are groups that have intricate relationships with other interest groups. These relationships are often marked by differing rights, expectations, roles, and the receipt of positive or negative impacts from the organisation.
3. Secondary stakeholders hold some influence over an organisation but are not directly involved in its transactions and do not receive direct benefits. However, they are affected by the actions of the organisation.

According to Tampio *et al.* (2022), stakeholders' analysis is needed for four reasons in the context of development policy: (1) the project requires stakeholders' involvement, (2) stakeholders often determine criteria for assessing the success of a project, (3) stakeholders' resistance can pose different risks and have a negative impact, and (4) the project can affect stakeholders both negatively and positively. Furthermore, the analysis is crucial because organisations and individuals can be involved in solving public problems.

The urban development policy is operationalised by a strategy and implemented by various stakeholders (Wojewnik-Filipkowska *et al.*, 2021). It can potentially cause an exchange of interests, leading to policy failure (Longart *et al.*, 2017). The analysis aims to identify issues, stakeholders involved, their interests, and the required interconnection (Wang and Aenis, 2019).

There are diverse criteria in the identification of stakeholders, for instance, Savage *et al.* (1991) proposed the concept based on power, legitimacy, and urgency. Tampio *et al.* (2022) identified stakeholders based on resources and interests, possession and attributes, and roles and functions. Meanwhile, the use of these criteria serves to facilitate decision-makers in conducting stakeholder mapping. According to Wojewnik-Filipkowska *et al.* (2021), stakeholders' mapping is a collaborative process of research, debate, and discussion drawn from various perspectives.

Bryson (2004) and Ackermann and Eden (2011) stated that stakeholders' mapping is conducted based on two criteria, namely power and interests, as shown in Figure 1. This technique puts stakeholders on a two-by-two matrix where the dimensions are interests in the organisation, problems faced, and dimensions of power or influence. According to Roxas *et al.* (2020), stakeholders' interests and agendas can be seen from their potential impacts, relative

importance, and group influence, while power is the influence in making policies or programs (Bryson *et al.*, 2006). Influence or power is based on the authority to make policies or programs, facilitate their realisation, and influence other parties to make laws.

Figure 1 is elaborated as follows:

- 1) Key player is stakeholder with high interests and power.
- 2) Context setter is stakeholder with high power or influence on the implementation of the policies but low interests.
- 3) The subject is stakeholder with high interests but low power.
- 4) The crowd is stakeholder with low interests and power, however, the program implementation has to be monitored.

According to Ackermann and Eden (2011), role-playing exercises can effectively create proposals considering various stakeholders' interests. Members of the planning team take on the roles of different stakeholders, improving their understanding and knowledge gained from the bases of power and directions of interests diagrams (Bryson, 2004). The research by Kuhn (2022) and Orem *et al.* (2013) classified stakeholders according to five different roles, namely policy creator, coordinator, facilitator, implementer, and accelerator.

Stakeholders' analysis has been widely researched in the context of environmental and coastal management issues, for example Dimitrovski *et al.* (2021) on coastal and marine sustainability, Wang and Aenis (2019) on sustainable land management. The two studies concurred that it was crucial to engage all parties and have cross-sector discussions regarding environmental management issues in coastal areas. Furthermore, Longart *et al.* (2017) and Minnaert (2020) conducted in-depth analyses and found that knowing the responsibilities, roles, and shared commitments is necessary for conducting stakeholder analysis in the tourism sector of coastal areas. In addition, few research linked the concept to sustainable maritime villages, such as Oen *et al.* (2016) in Europe that active involvement and participation of stakeholders can increase the economic and ecological impacts in environmental management of coastal areas. This paper aims to contribute to public administration by exploring stakeholder analysis in sustainable development in coastal areas. The results can provide recommendations to stakeholders based on their role capacities and help improve the active involvement in ecological and economic improvements in coastal areas.

Methods

This research employed a qualitative approach for data collection and analysis, and in-depth interviews were conducted with 15 stakeholders as key informants. In addition, focus group

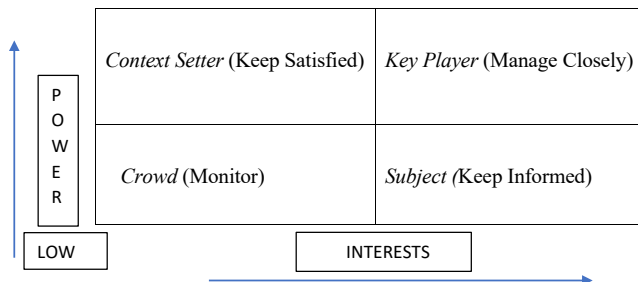


Figure 1. Stakeholders' Mapping based on Power and Interests (Ackermann and Eden, 2011; Bryson, 2004)

discussions and observations were carried out, supported by online news, literature and official government reports. This study was conducted from June to December 2021. The selection of the research location as a case study was based on the empirical fact that the northern part of Semarang City is a slum area existing for a long time (Figure 2). The government still has not been able to solve the problem of slum settlements in Tambaklorok.

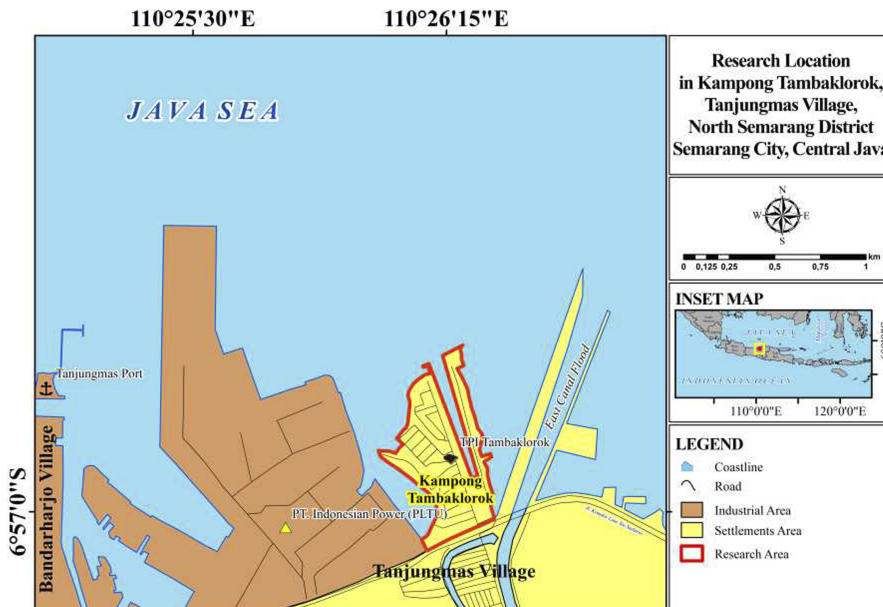
As shown in Table 1, a framework was used to gather primary and secondary data to address the research questions. It served as the basis for analysis and discussion of results, complemented by online media news, analysis of official government documents, and brainstorming sessions to review findings. Data analysis was conducted by using an interactive approach.

Results and discussion

Stakeholders identification

Various stakeholders are involved in developing the Sustainable Maritime Village in Tambaklorok. Stakeholders often form organisations as they have the authority and legitimacy to regulate themselves and broader public responsibilities (Agné et al., 2015). The four main objectives of developing maritime village are improving environmental quality, utilisation of reclamation potential for economic activities, community empowerment, and skills training. However, implementing development faces obstacles, particularly in governance and institutions, due to the diverse and numerous stakeholders involved, leading to unavoidable conflicts of interest.

The stakeholders involved in the development are classified into five categories, namely government, business, community, academics, and media. Each category consists of several stakeholder members (Table 2).



Source: By authors

Figure 2.
Research location

Purposes	Phenomena and Indicators of Research	Data Sources
Stakeholders Mapping/Focus: Identification of Stakeholders	Identify stakeholders based on the Pentahelix model with collaboration elements that combine various parties such as Academy, Business, Community, Government, and Media	<ul style="list-style-type: none"> - In-depth interview - FGD - Observation
Stakeholders Mapping: Power vs Interests Grid Stakeholders	Powers granted by each stakeholder: <ul style="list-style-type: none"> - Authority in the establishment of the program - Facilitating the realisation of the program - Influencing other parties in making and cancelling the program Interests given by every stakeholder: <ul style="list-style-type: none"> - The main interests underlying all stakeholders involved - Profits or benefits gained by stakeholders - Other interests may hinder the implementation of the program 	<ul style="list-style-type: none"> - Document analysis - Online news - Observation - Brainstorming - Literature review
Roles of Stakeholders Focus: 1. Policy Creator	<ul style="list-style-type: none"> - Parties whose role in determining policies and as decision-makers 	
2. Coordinator	<ul style="list-style-type: none"> - Parties whose role is to implement coordination with other stakeholders - Form of coordination conducted with other stakeholders 	
3. Facilitators	<ul style="list-style-type: none"> - Parties whose role is to facilitate the program of Maritime Village development - Form of provided facilities 	
4. Implementors	<ul style="list-style-type: none"> - Parties whose role in implementing the program of Maritime Village development 	
5. Accelerators	<ul style="list-style-type: none"> - Parties whose role is to promote the acceleration of the implementation of the program of Maritime Village development - The form of the contribution made in encouraging the acceleration of the implementation of the program of Maritime Village development 	

Table 1.
Phenomena and indicators observed in this research

Source: By authors

Stakeholders' mapping

After identifying all stakeholders in the program, a mapping analysis is conducted based on the power and interests of stakeholders, by assigning codes to each member and evaluating their power and interests. The evaluation classification ranges from 1 (low), 2 (adequate), 3 (high), to 4 (very high), as determined through discussions with key informants. The assessment is carried out continuously until each stakeholder accepts the result in [Table 2](#).

Furthermore, the assessment of power and interests is included in the model of the Power vs Interests Grid of Stakeholders as shown in [Figure 3](#).

Based on the table of power and interests, stakeholders involved in the development program can be mapped into four categories, namely player, context setter, subject, and crowd. In detail, the mapping is elaborated as follows:

1) *Stakeholders of player category*

The player category has high power – high interests. The analysis results showed that stakeholders of this category are divided into two groups. The first player has a significant role in implementing the program and is responsible for its success. It is represented by the

NAME OF STAKEHOLDERS		CODE OF STAKEHOLDERS	POWER				INTERESTS				Sustainable development of Maritime Village
			1	2	3	4	1	2	3	4	
Government	Ministry of Public Works and Public Housing (<i>PUPR</i>)	S1				✓				✓	327
	Ministry of State-Owned Enterprises	S2				✓		✓			
	<i>BAPPEDA</i> of Semarang City	S3				✓				✓	
	<i>BBWS</i> Pemali Juwana	S4		✓				✓			
	<i>DISTARU</i> of Semarang City	S5			✓				✓		
	DPU of Semarang City	S6				✓			✓		
	Fisheries office of Semarang City	S7				✓			✓		
	Office of Cooperatives and MSMEs	S8		✓				✓			
	Office of Tourism and Culture of Semarang City	S9		✓					✓		
	Office of Sanitation and Park of Semarang City	S10			✓				✓		
	Environmental Office of Semarang City	S11			✓				✓		
	<i>DISHUBKOMINFO</i>	S12	✓						✓		
	<i>DPIPR</i>	S13	✓						✓		
	<i>BPN (Badan Pertanahan Nasional)</i>	S14		✓					✓		
<i>BAPENDA</i>	S15	✓						✓			
<i>KSOP</i>	S16	✓						✓			
Business	<i>TELKOM</i>	S17	✓					✓			
	<i>PLN</i>	S18	✓					✓			
	<i>PDAM</i>	S19		✓				✓			
	PT Pelabuhan Indonesia (Tanjung Emas Branch)	S20				✓		✓			
Community	Head of <i>Rukun Warga (RW)</i> 16: Head of <i>Rukun Tetangga (RT)</i>	S21		✓				✓			
	Community organisation (fishermen community group, mangrove communitygroup)	S22		✓					✓		
Academics	Diponegoro University	S23		✓					✓		
	Sugiyopranoto University	S24		✓					✓		
	Semarang State University	S25		✓					✓		
Media	http://www.semarangkota.go.id	S26		✓					✓		
	https://radarsemarang.jawapos.com								✓		
	https://perkim.id								✓		
	https://sda.pu.go.id								✓		

Table 2.
Assessment of power and interests of stakeholders

Source: By authors

Ministry of PUPR and BAPPEDA of Semarang City. The Ministry of PUPR as the originator of the Tambaklorok Marine Village program, certainly has high power and interests. Meanwhile, BAPPEDA of Semarang City is the leading actor with high authority over the Maritime Village program. It facilitates the realisation of the program and has the authority to schedule its development in the development plan of Semarang City 2016-2021.

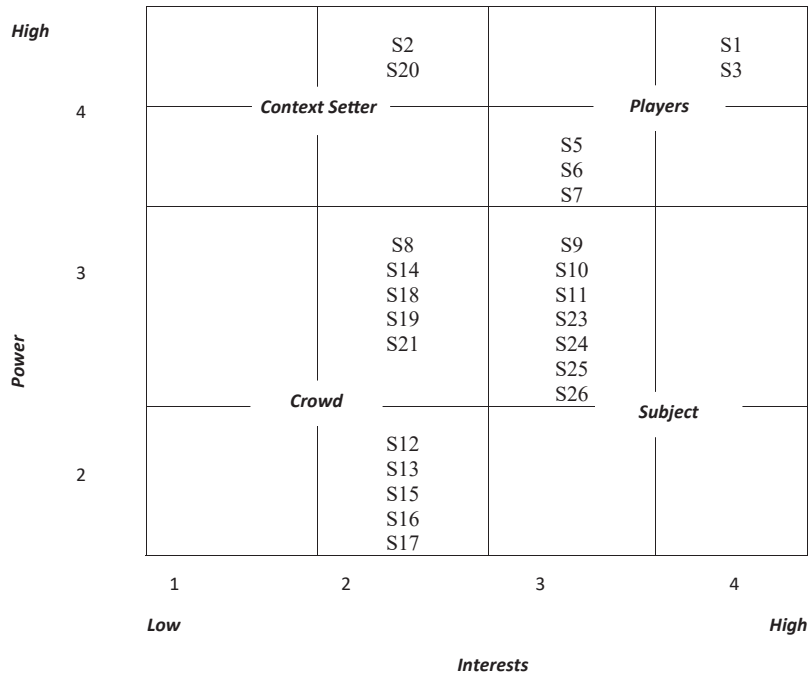


Figure 3.
Model Power vs
Interests Grid of
Stakeholders of
Tambaklorok
Maritime Village
Program

Source: By authors

The second player consists of the Spatial Planning (DISTARU), the Public Works (DPU), and the Marine and Fisheries Offices of Semarang City. DPU and the Fisheries Office of Semarang City do not have direct authority over decision-making in the program. However, these stakeholders play a role in providing input, facilitating the realisation, and having no influence on other parties in forming the program since BAPPEDA owns the direct authority. The power of DISTARU and DPU can be seen from their authority in preparing development permits, designing infrastructure for building programs and having the authority to prepare Land Acquisition and Resettlement Action Plans (LARAP). Furthermore, the Marine and Fisheries office is closely related to Tambaklorok coastal area development. In the Tambaklorok Maritime Village program, the Marine and Fisheries Office is responsible for constructing Fish Auction Places (*TPI*), Landing Bases (*PPI*), and mangrove management. Therefore, each stakeholder at the player level has different interests according to the main tasks and functions of stakeholders.

2) Stakeholders of context setter category

The context setter category has high power - low interests. These stakeholders must be guarded and remain satisfied even without showing interests since they generate power. These stakeholders should be handled carefully since their power can be used in undesirable ways in the development program (Ackermann and Eden, 2011).

Ministry of State-Owned Enterprises (BUMN) and PT Pelabuhan Indonesia are included in this category because these stakeholders have high power and moderate interests in the village program. They have the authority to facilitate the realisation and influence other parties in the Maritime Village program. Based on the Regional Spatial Plan of Semarang

City, the area to be developed is included in the BWK (City Area Part) III area and is part of Tanjung Emas Port sea transportation. Therefore, using land for development areas in Tambaklorok requires permission from the Ministry of State-Owned Enterprises and coordination with Tanjung Emas Port, PT Pelabuhan Indonesia. In addition, the sustainability of the program is strongly influenced by the permit to use the area issued by PT Pelabuhan Indonesia.

BAPPEDA significantly needs constant communication to coordinate programs considering the importance of stakeholders in the context setter category. Accordingly, the Maritime Village development program has more legal certainty regarding area management rights since there are obstacles to giving permits from the Ministry of BUMN.

3) Stakeholders of subject category

Stakeholders in the subject category have low power – high interests. These include the Head of Community Association (RW) and community organisations, such as fishermen and mangrove community groups. These stakeholders have low power and fairly high interests in the program. The coastal community desires their settlement area to be better organised and free from the daily occurrence of abrasion and flooding due to tidal waves. To address this, the residents support the Maritime Village program. This program particularly benefits community organisations such as fishermen and mangrove conservation groups. It will provide fishing facilities, including TPI, PPI, boat guard posts, and fishing boat parking lots. Additionally, the program aims to develop the mangrove area into a thriving ecotourism destination. The local communities such as the head of RW and Tambaklorok community organisations are facilitators of the program. They don't have direct responsibility. Therefore, commitment and participation of communities play a significant role in implementing the Maritime Village development program. These stakeholders are instrumental in persuading the coastal communities to support the program, despite initial resistance from some directly affected by its implementation. The communities have become more willing to accept the development program through discussions and engagement with officials and relevant agencies.

4) Stakeholders of crowd category

Stakeholders in the crowd category have low power - low interests. They need to be monitored but not disturbed by excessive communication. These stakeholders consist of Pemali Juwana River Basin Center (local term: *Balai Besar Wilayah Sungai* (BBWS) Pemali Juwana), Cooperative and MSMEs Office (local term: *Dinas Koperasi dan UMMKM*) of Semarang City, Tourism and Culture Office of Semarang City, Sanitation and Park Office of Semarang City (local term: *Dinas Kebersihan dan Pertamanan/DKP*), Environment Office of Semarang City (local term: *Dinas Lingkungan Hidup/DLH*), DISHUBKOMINFO of Semarang City (*Dinas Perhubungan Komunikasi dan Informasi*/Transportation Communication and Information Office), Street Lighting and Advertising Management office of Semarang City (*Dinas Penerangan Jalan dan Pengelolaan Reklame/DPJPR*), BPN of Semarang City, Regional Revenue Agency of Semarang City (*Badan Pendapatan Daerah/BAPENDA*), Harbormaster and Port Authority of Semarang City (*Kantor Kesyahbandaran dan Otoritas Pelabuhan/KSOP*) Office, TELKOM, PLN, and PDAM. The stakeholders categorised as the "Crowd" in the Maritime Village program possess moderate power and interests. They are not directly accountable for the program or possess the capability to influence decisions made by others. However, they possess the authority to facilitate the implementation. These stakeholders have been included in the Crowd category due to their restricted role in implementing the Maritime Village as per

the plans devised by the primary decision-makers. Each stakeholder is invested in the program as it is aligned with their respective tasks and functions.

The role of stakeholders in actualising Maritime Village of Tambaklorok

The involvement of stakeholders is significantly required in the development of Tambaklorok Maritime Village. Table 3 shows the role of classification.

The Central Government, represented by the Ministry of PUPR, acts as a policy creator. In contrast, BAPPEDA of Semarang City, as the implementer and coordinator, holds a more decisive role in the program. Therefore, it needs to be closely managed because this institution is the program's leader with the highest degree of interests and influence. According to Roxas *et al.* (2020), it is necessary to keep close communication with institutions holding such an important role through regular check-ins on the program's progress.

The five stakeholder role classifications do not aim to prioritise the significance of stakeholder positions. Instead, they are designed to highlight that all five categories are essential for the success of a sustainable Maritime Village development project. It is important to note that this role classification can complement the mapping method, resulting in 4 categories of stakeholders based on power and interests, namely key players, context setters, subject, and crowd.

Conclusion

The development of sustainable development of Maritime Village in Semarang City is still a polemic today. Therefore, this research aims to examine the role of stakeholders and their interconnected relationships based on power and interests. The findings showed that the success of the Maritime Village development program is largely dependent on the key players, specifically the ministries at the central governmental level (Ministry of PUPR) and BAPPEDA of Semarang City Government. These entities hold high power and interests in program implementation, which is evident from their roles as policy creators, coordinators, facilitators, and implementers. Non-key player stakeholders, such as the Ministry of State-Owned Enterprises and PT Pelabuhan Indonesia, act as facilitators and accelerators in the program. To realize the development of a sustainable maritime village, the roles of all stakeholders are necessary, because each stakeholder has a different role which must be synergized in order to actualize the sustainability of the maritime village. Consequently, the role of stakeholders in sustainable maritime village development policies has to be analyzed more deeply through role classification.

The coordinator is the party that coordinates other stakeholders, i.e. BAPPEDA of Semarang City. Stakeholders include facilitators whose role is to facilitate and fulfill what is necessary to carry out the program, implementors as policy organizers, accelerators who contribute so that the program is executed according to plan and can be completed on time. All of these roles are essential in the context of the success of the Maritime Village development program. Therefore, it is recommended to strengthen the coordination among stakeholders.

Theoretically, the knowledge gained from this research could increase the conceptual scope of stakeholder analysis, particularly when it comes to sustainable development. Goals of the joint program may be influenced by stakeholder involvement and the competing interests. Thus, in practice policy makers can pay attention to the existence of stakeholders in each policy or program that will be implemented, including the identification of their roles based on power and interests. Future scholars can examine political motivations that affect each stakeholder's interests and bargaining power in greater detail as the research agenda.

No.	Role Classification	Stakeholders	Roles Played
1.	Policy creators	Ministry of <i>PUPR</i> <i>BAPPEDA</i> of Semarang city	Developed policies for the program of Maritime Village development Prepared regional regulations/mayor regulations as the controller of spatial planning
2.	Coordinator	<i>BAPPEDA</i> of Semarang city	Coordinated other agencies in the program of Maritime Village Development
3.	Facilitators	Ministry of State-Owned Enterprises (<i>BUMN</i>) <i>DPU</i> of Semarang City <i>DISTARU</i> of Semarang City	Provided a land use permit as a location for the construction of Maritime Village, of which the land owner is PT Pelindo that provides land with a permit from the Ministry of <i>BUMN</i> - Prepared development permits - Made infrastructure design of building program, and had the authority to prepare the Land Acquisition and Resettlement Action Plan (LARAP). - Prepared formal legal of the mayor regulation regarding Building and Environmental Planning (local term: <i>rencana Tata Bangunan dan Lingkungan/RTBL</i>) - Controlled development permits
4.	Implementors	PT Pelabuhan Indonesia of Tanjung Emas Branch <i>DPU</i> of Semarang City <i>BAPPEDA</i> of Semarang City Tourism and Culture Office of Semarang City Cooperatives and MSME Service of Semarang City Sanitary and Park Office (<i>DKP</i>) of Semarang City <i>DLH</i> of Semarang City <i>DISHUBKOMINFO</i> of Semarang City <i>BPN</i> of Semarang City <i>BAPENDA</i> of Semarang City BBWS Pemali Juwana <i>KSOP</i> of Semarang City <i>TELKOM</i> (Telecommunication) <i>PLN</i> (State Electricity Co) <i>PDAM</i> (Drinking Water Regional Co) Community Community groups	Facilitated and fulfilled land needs Technical and operational service for physical programs and regional infrastructure, including settlements, roads, drainage, garbage, sanitation, and irrigation Had authority in the development program of Maritime Village Developed and controlled the tourism sector, especially nature tourism, maritime tourism, and culinary tourism Technical services related to trade and industry, especially the maritime industry Controlled in the field of Environmental Quality Management, specifically concerning green open space and waste A technical office related to environmental control Controlled and developed transportation systems, circulation, and regional movement Controlled building construction agreements and land rights Controlled regional financial resources Control and development in the field of water resources Control and development of the financial plan aspects for the Port area and Tambaklorok area Control and development of Telephone network Control and development of the electricity network Control and development of regional clean water network Active role in regional planning through funding sharing Non-profit community organisations or fishermen communities, CAMAR community, youth organisations (local term: <i>Karang Taruna</i>), etc. that can be involved in the activities of development

(continued)

Table 3.
The role of stakeholders in the Tambaklorok Maritime Village Program

No.	Role Classification	Stakeholders	Roles Played
5.	Accelerators	Fisheries office of Semarang City PT Pelabuhan Indonesia of Tanjung Emas Branch BPN (National Land Agency) of Semarang City Community Community groups/ organisations	Technical and operational services related to <i>PPI</i> Empowerment of fishermen, mangroves conservation, and other maritime activities Technical office for port development and its surrounding area Control of building construction permits and land rights Building maintenance and control of planned activities Control of the implementation of the program plan

Table 3.

Source: By authors

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Political decentralisation and political-administrative relation in the local councils in Tanzania

Local councils
in Tanzania

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Abstract

Purpose – This paper analyses the degree of political decentralisation and its relation to the local councils in Tanzania. It explores the institutional and political set-up of the local councils originating from the degree of political decentralisation and how it influences the tension between the bureaucrats and local politicians.

Design/methodology/approach – Qualitative approach by a comparative case study is adopted to investigate the phenomenon in two local governments in Tanzania. The data were collected through interviews with 37 senior local government officials and eight focus group discussions with 48 administrators and councillors.

Findings – The findings indicate that the two local governments are subjected to a similar political system guided by similar rules and guidelines from the central government bureaucracy for implementing the party manifesto and central government priorities. Thus, the local politicians have little room for negotiation in adopting local agenda to reflect the preferences of the local community. Any attempt to challenge this status quo creates political tensions between bureaucrats and the administrators.

Originality/value – The findings provide invaluable insights to different stakeholders such as political scientists, government officials, and policymakers with interests in research or practice of political decentralization and political-administrative relation.

Keywords Local council, Political decentralisation, Political-administrative relation, Local government authorities, Tanzania

Paper type Research paper

Introduction

The study of political-administrative relation especially in local government has gained more attention in the mainstream literature on public administration. Positive political-administrative relation provides the platform for successful implementation of development programs in the localities. The term political-administrative relation is an intertwined concept representing politics and administration. Politics entails the decision-making on the allocation of public resources (Makinde, 2015) while public administration is responsible for the execution of public policy (Stillman, 2000). The fact that the two sides depend on each other makes their collaboration a necessary condition for effective performance of local government authorities (LGA). Nevertheless, for effective collaboration, the local politicians should have the decision-making power to represent the interest of the local population in the local council, a governing body democratically elected to represent the affairs of the local population in the decision-making. This implies that the local council should have the power to deliberate on the preferences articulated by citizens and the way they can be translated into policies and programs (Schneider, 2003). This power emanates from the degree of political decentralization or an institutional



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reform, which is carried out deliberately to establish the additional sub-national government with decision-making authority. Such reforms include the reorganization of the local council, the installation of sub-councils and the establishment of procedures for authoritative decision-making (Schneider, 2003). Therefore, political decentralization is expected to increase the capacity of sub-national governments by granting them suitable institutional instruments for local government decision-making (Smoke, 2003). This in turn is expected to strengthen representative democracy, which results in the efficient allocation of local public goods and services (Kanyinga, 2016; Misati, 2011).

The history of political decentralization in Tanzania can be traced back to the past two decades when the government embarked on a local government reform program whose goal among others, was to transfer the political power to local councils. In turn, the power transfer was expected to be an impetus to the establishment of a democratic local council that can harmonically engage the administrative staff in the implementation of local policies and programs. Contrary to the expectations, the local councils were not detached from the national level politics. The local election is still conducted concurrently with the national level election and the national-level party leaders decide on the nomination of local leaders (Hulst *et al.*, 2015).

Overall, the local council leaders remain the implementers of the national-level party manifestos approved by the central government. The local administrators, also recruited and promoted by the central government are the implementers of the local council plans and programs (Lameck, 2017; Anosisye, 2017; Lameck and Kinemo, 2022). Although decentralization reforms had a goal to empower local councils to assume the roles, which were previously done by the central government, the central government is still in control of the local political institutions. While some authors argue that the trend of political decentralization reforms has fuelled the misunderstanding and mistrust between the councillors and the officials in Tanzania (Leticia, 2008), others argue that the decentralisation of the local government decision-making authority has undermined the political-administrative relation (Hulst *et al.*, 2015). In addition, in the past ten years, the Tanzania Government has experienced the growth of opposition politics across the country to the extent of overturning the ruling party in some local government councils. The study of how centralized politics and the local councils affect the political-administrative relation in Tanzania has not received much attention.

Literature review

Political-administrative relation and the power of decision-making by local councils

Literatures on political-administrative relation in political science have attempted to conceptualize the term political-administrative relation in different ways. Some argue that political-administrative relation emanates from political administration dichotomy, whose theory constructs the boundaries of public administration and asserts the normative relationship between the elected officials and the administrators in a democratic society (Brans, 2003; Njunwa, 2021). Others define political-administrative relation as the working relationship between politicians on the one hand and the bureaucrats on the other. This relationship reflects two important elements that constitute its meaning: the first element is the allocation of tasks that covers the entire process of formulating and implementing the policy (Schreurs *et al.*, 2011; Njunwa, 2021). In this regard, the Weberian bureaucratic dichotomy form assumes that policies are developed by politicians and implemented by civil servants and that the relationship operates under strict separation of tasks without overlapping in the functions while in more hybrid working relationships, the roles of bureaucrats and politicians are interlinked rather than separated (Aberbach *et al.*, 1981). The mainstream literature in political sciences shows that the political-administrative relation can also be affected by the power of the local council in decision-making (Hulst *et al.*, 2015; Njunwa, 2021). Largely, this power emanates from the degree of political decentralization, which implies the distribution of decision-making authority with respect to political institutional arrangements including the institutions for

representative government and the organization of local council and executive government (Schneider, 2003).

Furthermore, the decision-making power is considered more centralized if local elections are conducted concurrently with national elections and if local governments are not allowed to set priorities which reflect their electoral context. Besides, the system is considered more centralized if partisan's actors at the local level are insufficiently independent of their national level counterparts, and leaders at the national level decide on the nomination of candidates and the use of party labels (Eaton and Schroeder, 2010). However, if local communities themselves can decide when to hold local elections, and if there are no formal impediments to the establishment of local political parties that want to focus on local issues, the system is considered more decentralized. However, if the national party interferes with the autonomy of local leaders who are also subordinate to the national leaders of their party, the system is considered more centralized.

The relationship between politicians and administrators can be explained in three models: the classical model, village model, and adversarial model. First, the classical model assumes a clear distinction between politicians and administrators. The decision-making power falls in the domain of politicians. For example, agenda, proposals, decisions, and control over the implementation of policies are not based on legitimacy and loyalty, but political resources, competence to hire and fire administrators and grassroots support (James, 1998; Schreurs *et al.*, 2011; Njunwa, 2021). This model depicts a situation in which low degrees of intervention and interaction go hand in hand with a low number of conflicts between politicians and administrators. Second, the village model assumes that both politicians and administrators work together and use their competencies and powers to realize better implementation of their plans and programs. This means that, although politicians have legitimate power given by formal laws and regulations, they still find it difficult to dominate the bureaucrats who have technical power. As a result, this model assumes that the jurisdiction of the two parties overlaps and that their values and trust are shared (Hood and Lodge, 2006). It assumes that high degrees of interaction and intervention result in low degrees of conflict between the two parties. Finally, the adversarial model assumes that politicians and administrators are structurally engaged in a power struggle. Both politicians and administrators try to gain or keep control over the policy sector (Schreurs *et al.*, 2011). This model portrays low degrees of interaction and high degrees of intervention which results in relatively high levels of conflict. The politicians believe that the power base is absolutely on their side while the administrators are expected to be critical to the policy lines of the political executives. They have to act on what is politically acceptable and administratively feasible (Nalbandian, 2006).

The effective relationship between the two parties can be also moderated by trust and loyalty between them. The parties cannot work together unless trust exists in their interaction. Trust is important as it builds on what someone perceives to be right, and it is a very fundamental phenomenon in power bargain and decision-making process (Schreurs *et al.*, 2011). In connection to this is power resource and bargaining which imply the capacity of one party to dominate the other due to its influence, power, size or status (Hood and Lodge, 2006). Thus, the administrators assume power in low political control and high administrative independence. The amounts of decision-making power disposed to politicians can influence the relationship between the two parties. This power emanates from the degree of political decentralization. The assumption is that decentralization brings government close to the people. If decision-making authority is transferred to local government, it is assumed to have a positive impact on the functioning of local democracy as the local council will be disposed of decision-making powers with respect to policies and services which directly affect the lives of the members of the local community (Mollel, 2010).

The degree of political decentralization can be also explained by the formal systems. Crook and Manor (1998) argue that in systems with directly elected and powerful mayors or chief executives, these executives do not feel a need to account for their decisions to the local

council and are not prone to consult the population in between elections. The councillors, although elected by the community, are in no position to impose their preferences on the executive. This undermines their credibility in the eyes of the community.

Methodology

This paper aims to answer two research questions: How do centralized politics and local council affect the local political-administrative relation in Tanzania? How do the perception, trust, and bargaining power between local politicians and the administrators moderate this relationship? The study adopted qualitative approach based on the nature of the research questions. Two councils were selected as the case: Kinondoni Municipal Council (KMC) in Dar es Salaam and Tunduma Town Council (TTC) in Songwe region. KMC was selected because it is one of the biggest municipalities in Dar es Salaam. The relationship between administrators and the bureaucrats has been in harmony over the years. This is in contrast to TTC that serves a small town. The comparison between the two councils has a significant reflection of the status of the existing political-administrative relation in the local government authorities in Tanzania.

The sample of this research includes councillors, district commissioners, heads of department, and technical staff of the councils. These respondents were selected purposively. The sample size was determined by the adequacy of the data obtained; in that, it is rich enough and covers sufficiently the dimensions of interest (Hennink *et al.*, 2011). The saturation of data was based on the adequacy of data concerning the decision-making power of the local council and the interaction between politicians and administrators.

The research began with the review of important documents such as the minutes of the committees and the council meetings to obtain clear deliberations and interaction on the political agenda between politicians and administrators. This was followed by in-depth interviews with each respondent, which took one hour. The interviewees provided views and opinions concerning the practice of political-administrative relation. The interviews were also used to seek bureaucrats and councillors' personal experiences in daily functioning of the council. To this end, 37 participants were interviewed, that is, 19 politicians and 18 bureaucrats between 2019 and 2021. Both English and Swahili languages were used for the interview dependent on the preference of the interviewees.

Moreover, to interact directly with respondents and provide opportunities to clarify the responses and ask follow-up questions, the researcher conducted eight focus group discussions (FGD) (Krueger, 1994). The groups constitute 48 participants including 12 councillors and 12 administrators from TTC and KMC respectively. The discussion guide includes questions on the way the administrators and politicians communicate, their power and obstacles encountered during their interaction.

Data were collected and analysed separately using case analysis. A cross-case analysis was then adopted to compare the two cases. Verbal data (interviews and FGD) were written into text and grouped according to the themes and analysed using content analysis. The analysis involved steps such as transcribing verbal data into text, developing codes analytically or inductively, identifying codes from the data, transforming codes into themes and categorizing materials. In addition, similar phrases and relationships were identified and sorted to identify meaningful patterns of data. The degree of political decentralization and the power of the local councillors was measured based on the extent the council can address the preferences of the local population without interference from the central government or bureaucrats employed in the council.

Findings

The political power of local politicians and administrators in decision-making

Concerning political power, the findings show that in Tanzania, the local councils are expected to derive decision-making power from the policy paper of 1998 and local

government laws that devolved decision-making power to the local councils and grant power to install their local council and decide on local priorities (URT, 1998). It shows that although the two local governments are empowered by the existing legal framework to make political decisions, their decision-making power with respect to the local government plans and budget allocation is limited. The national political party decides on local priorities through national election and from time to time issues directives to the local government. For example, the interviews with local politicians in both councils show that the local councils do not have the autonomy to decide on the issues related to local revenue collection and spending.

One major concern noted by the two local governments was the transfer of some sources of revenue from local government authorities to the central government, for example, property tax, billboards, and land rent as quoted below:

Recently, we have witnessed Central Government taking away some key sources of revenue such as property tax and land rent. (Interview, KMC Municipal Mayor)

Furthermore, the decision to transfer the property tax to the central government had varied opinions between the two local governments. For example, the participants from KMC reported that the decision limited their autonomy to address their priorities in local government spending. This was supported by the response to an interview question that sought to find out the effect of such a decision because LGAs depend largely on their sources of revenue for funding local priorities as indicated below:

The property tax has been taken to central government and now more than 80% of the LGAs budget is financed by central government but this fund comes with condition. (Interview, KMC Municipal Director)

The findings show that in TTC, the situation was even worse. Besides the reality that the council had limited powers, the district commissioner representing the central government hijacked the council and decided on the plans and budgets of the local government as this extract indicates:

The councillors are aware that for them to work effectively they need the local council to facilitate the accomplishment of their responsibilities. But the District Commissioner from the central government has taken the position of the council. (FGD, TTC Councillors)

The second indicator of a low level of political decentralisation was the excessive political directives from the central government to local councils. The interviews with local politicians and administrators revealed that despite the existing institutional frameworks, LGAs follow directives from the central government for their day-to-day operations. It was further reported that the amount of directives from the central government has recently increased significantly. The respondents argued that the directives have been detrimental to the smooth running of the council. Some of the directives particularly those prohibiting the collection of money from local communities as contributions to service delivery were ranked high in limiting the autonomy of local government in the implementation of plans and programs. The FGD with ward executive officers and councillors in KMC informed the researcher that the central government's directives had negative repercussions on the implementation of primary schools development plans as shown below:

The Government directive which prohibits teachers from collecting financial contributions from parents has affected the implementations of school plans and hence undermining school development. (FGD, KMC Ward Executive Officers and Councillors)

A similar observation was made by one of the head of departments at TTC who, despite agreeing with most of the concerns with regard to the impact of the directives on the delivery

of education in TTC, he reported that the directive was misconceived by parents, bureaucrats, and local politicians.

The fact that Tunduma is a rapidly growing urban setting with limited resources, there was no exception that these directives led to stagnation of development plans and programs. (Interview, TTC Town Executive Director)

These findings indicate that the two local governments cannot establish their priorities. The setting of their priorities is interfered by the central government through a ruling political party, which also determines the priorities of local elections in Tanzania. The legal framework and the policy paper grant the decision-making power to the two local governments in line with their local priorities. However, because the local elections, where local priorities are discussed, are held concurrently with the national election, the national priorities crafted from the ruling political party would dominate the election agenda. Additionally, the central government is the major local sources of revenue. These findings are consistent with the findings of [Eaton and Schroeder \(2010\)](#) who revealed that if local government elections are conducted concurrently with national elections and these local governments are not allowed to set priorities and if partisan's actors at the local level are insufficiently independent of their national level counterparts, the system is considered highly centralized.

Political-administrative relation in KMC and TTC

This section is dedicated to getting more insights into the impact of a centralized political system on the political-administrative relation in the two councils. The document review indicates that the legal framework in Tanzania gives the mandates to politicians with policymaking, and administrators with the implementation of the policies and plans. The mandates assign the politicians (councillors) with the roles of formulating, coordinating and supervising the implementation of the council's economic, commercial, industrial and social development plans. The councillors are also assigned the roles of monitoring and controlling the performance of departmental bureaucrats who are the key implementers of the council decisions. As representatives of the people, the councillors are expected to have internal and external relations with the staff, the people they represent, the Members of Parliament, and the private sector ([URT, 2000](#)). On the other hand, the bureaucrats are mandated to advise councillors when making council and committee decisions and to carry out the council's day-to-day functions in accordance with the strategies and decisions of the council. With respect to the two local governments involved in this research, the political-administrative relation was analysed based on their interaction, trust, and bargaining power.

The findings suggest that the two local councils operate under a similar political-administrative set-up with a full council elected by citizens and the bureaucrats hired as permanent staff in the council. In both local governments, the council makes decisions through the committees and the bureaucrats advise the councillors. Unlike KMC, the mistrust, which fuelled the political-administrative tensions, was noted in TTC, which was led by political parties from the opposition. The genesis of the growing tension in the council was the District Commissioner's (DC) interference with the affairs of the council to protect the interest of the central government and the ruling party. The conflict later extended to involve councillors against bureaucrats. By the time of data collection, this council was operating without councillors. The tensions started as a conflict between the DC and councillors on the issue of street vendors. The DC ordered that vendors should be removed from the streets. The Councillors, on the other hand, contested the order saying that the DC made a decision without consulting them. Furthermore, there were no preparations as to where the vendors would go after their eviction from the streets, as indicated below:

The DC's office directed the removal of the street vendors by force, destroying their property while the councillors were not consulted. (FGD, TTC Councillors)

The tensions were further fuelled by political affiliations where members of the council tend to align with their political parties on decision making even for matters of public interest, as depicted below:

Yes, those who are in one political party support each other and before they go for the council meeting they conduct an internal meeting. (Interview, TTC Municipal Mayor)

The political tension in KMC was less than that in TTC. The findings show that the Council was led by councillors from the opposition and the ruling party. Although some tensions were reported in the past five years, this tension did not cause serious clashes between the two parties. This is because, in KMC, the number of councillors from the opposition was low as compared to the number of councillors in TTC where ninety percent of the councillors were from the opposition. The big number of councillors in KMC from the ruling party created a shared understanding that councillors and the administrators report to the same central government under the same political party that provides guidelines for local planning through the party manifesto. Another minor tension was the misunderstanding in the council concerning the role of the councillors. The councillors tend to undermine the role of administrators resulting to a conflict as the administrators think they have knowledge, which the councillors do not have. These findings are consistent with the findings of [Njunwa \(2021\)](#) revealing that the elected and administrative officials had negative attitudes towards each other, which seriously constrained the implementation of development projects. [Ntwenya \(2020\)](#) reveals that politicians and administrators experience serious tension especially when they undermine the role of each other.

Discussions

Political decentralization in the two local governments

The research shows that in both local councils, political decentralization legitimized pluralist politics through the creation of local political institutions and democratization of local politics. These grant citizens in the local government political power of democratically electing their representatives. As argued by [King and Pierre \(1990\)](#), representative democracy is considered necessary for enhanced local government autonomy. In this respect, the two local governments have similar formal political systems for decision-making on policies and programs. Nevertheless, the created political institutions and democratization process do not function well as the central government intervenes with excessive rules on how politics is conducted. In this respect, both of these hold their election concurrently with the national election and their priorities are fused in the national level political priorities. The concurrent election undermines the power of the local council to address local priorities in the two local councils. These findings are consistent with the findings of [Mango \(2020\)](#) who argues that despite the good intention of political decentralization, the national governments in different countries retain the power of decision-making which in turn constrains the power of local government to translate policies into the preferences of the local population.

In these two cases, the decision-making is retained by the executive who reports directly to the central government. These findings are consistent with the findings by [Crook and Manor \(1998\)](#) who revealed that in the system of strong executives, the executive does not feel a need to account for its decisions to the local council. On the other hand, the council, although elected by the community, is not in a position to impose its preferences on the executive. In Tanzanian context and in this study, the local government executive gains his/her strength from the institutional set-up. The set-up allows hiring and firing of local government staff by the central government through its recruitment secretariat and promoting and rewarding local government staff through the Ministry of Regional Administration and Local Government. Similar observations are reported in a study by [Hulst et al. \(2015\)](#). This creates a conviction that the local government executive is accountable to the central government and not to the local council, which is a representative of the local population.

Political-administrative relation and the political tensions

The research shows that the two local councils involved in this research experience tension in political-administrative relation but to a varying degree. TTC experiences relatively high tension and strong opposition politics as compared to KMC. It is therefore fair to argue that the political tensions were very high in TTC as compared to KMC because the council was led by opposition politics. The tension was further complicated by the interference of the District Commissioner's office in the council affairs.

On the other hand, the findings show that in Kinondoni Municipality, the tension was relatively low the main cause being a fight for scarce resources between politicians and the administrators. The administrators believe that they have the power to allocate the budget according to government rules and guidelines while the politicians think that they have the power to instruct the bureaucrats to allocate the budget according to the priorities of the local population. Therefore, although political tension was reported in the two local governments, largely the political tension was relatively higher in TTC due to a lack of political power for the councillors. These findings are consistent with the findings of other studies (Venugopal and Yilmaz, 2010; Schreurs *et al.*, 2011) who argue that local government lacks autonomy. In addition, both politicians and administrators are often locked in a persistent political tension fuelled by power struggle and an adversarial model, which assumes that politicians and administrators are structurally engaged in a struggle for power. Both politicians and administrators try to gain or keep control over the policy sector. Various factors attributing to this include a lack of trust and bargaining power of local politicians and administrators and excessive directives from the central government.

Conclusion

Overall, it can be concluded that political decentralization in Tanzania is considered a major tenet and necessary condition for effective sub-national decision-making and service delivery. This is confirmed by Tanzania's Local Government Reform program and Local Government Policy Paper of 1998. Both local government legislation and the local government reform agenda elaborate political decentralization and the decision-making power of the LGAs.

Nevertheless, in practice, the national-level politicians especially from the ruling party control the local level decision-making. The local councils have become rubber stamps rather than decision-making bodies. In general, the councillors who represent peoples' needs at the local level have limited authority at the council level due to a lack of decision-making power on revenue collection and its expenditure. Although local political leaders are given the mandate to make decisions on various local development and service delivery issues, their decision-making power is compromised with overlapping directives to local LGAs. Even though LGAs are governed by elected councils, they do not demonstrate a sense of political decentralization because their decision-making power is limited by excessive rules and guidelines from the central government.

Therefore, the existence of the institutional set-up, which advocates centralization of local priorities limits the power of the local politicians to make decisions which reflect the interest of the local population and hence fuel the tension between the local politicians and the administrators. Consequently, centralization of local priorities and excessive central government directives on local government have significantly compromised the decision making autonomy of the local politicians to make decisions which are in line with the preferences of the local population. Apart from that, this formal set-up influences the trust, loyalty, and power to bargain between local politicians and the administrators, which functions as a basis for an effective relationship between them.

Recommendation

The research identifies that the political system in Tanzania is decentralized in theory and has an institutional framework that substantially promotes the decentralization of political power to local government. However, in practice, the political system remains highly centralized thus limiting the power of local politicians in decision-making and fuelling the tension between politicians and the administrators. Therefore, first, the government should revisit and comply with the existing institutional framework for decentralization which articulates and grant substantial political autonomy to local government. Second, the national government should modify the way politics is conducted at the sub-national level. The local government should be allowed to prepare and include in the local election, their local government agenda that reflects the priorities of the local population. Third, the government should allow the formulation of local political parties in different localities and to protect the unit, the national level government must establish guidelines to regulate their conduct. Fourth, the national level government should avoid unnecessary interference with local government politics, which causes tension between the politicians and the administrators. Fifth, the government should organize training to educate the politicians and the administrators on their roles and functions and the dangers of misperception of their roles. Finally, the central government should revise the power of local government in hiring, firing, and promoting local government staff to create a sense of accountability of local bureaucrats to the local council.

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Indigenous cultures and employee efficiency: the moderating effect of cronyism in state-owned enterprises in Ghana

Indigenous
cultures and
employee
efficiency

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Abstract

Purpose – This paper examines the relationship between indigenous cultures and employee efficiency and how cronyism strengthens or weakens the relationship in the Ghanaian state-owned enterprises (SOEs) in response to the employee efficiency.

Design/methodology/approach – This study employs a quantitative approach by a cross-sectional survey to collect data from 400 workers in ten SOEs in Ghana. The analysis is done by using descriptive statistics and hierarchical regression techniques.

Findings – The findings indicate that showing gratitude is the predominant indigenous culture in the SOEs of Ghana while irregularity (absenteeism) is not dominant. Moreover, the practice of cronyism is high. It reveals that the indigenous cultures, except for respect for the elderly, relate negatively to employee efficiency, and cronyism strengthens the relationship between indigenous cultures and employee efficiency.

Originality/value – The paper contributes to the literature by providing empirical evidence that cronyism effectively strengthens the relationship between indigenous cultures and employee efficiency in a developing country. Strategies to discourage cronyism should be the key focus of public administrators, as well as mechanisms to limit the practice of adverse indigenous cultures.

Keywords Cronyism, Employee efficiency, Indigenous culture, State-owned enterprises, Ghana

Paper type Research paper

Introduction

Efficiency in achieving organisational goals is a common research area. Studies have noted that although the public and private sectors have different goals, increasing efficiency is paramount as it influences their ability to achieve stated goals. Their drive for increased efficiency is witnessed in public-private partnerships where their objectives align (Andrews and Entwistle, 2010). Gumah and Aziabah (2020) establish that efficiency in delivering public services is vital to enhancing and improving the quality of life for residents.

Ghana's state-owned enterprises (SOEs) are funded with taxes from the citizens. Thus, the Ghanaian citizenry demands high efficiency in using state funds, particularly in development projects (Arkorful *et al.*, 2022). Literature on Ghana's SOEs is extensive with studies indicating relatively poor employee efficiency (Ohemeng and Akonnor, 2022). Such problem



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may be attributable to the Ghanaian indigenous culture (Yeboah-Assiamah *et al.*, 2016). Compared to foreign culture, indigenous culture impedes public sector efficiency thereby weakening argument to institutionalize indigenous culture at the workplace (Awaah, 2022).

Culture plays an essential role in determining attitudes (Hofstede, 2007). When introduced in the public sector, these attitudes influence employee efficiency. In training public servants, studies have proven that cultural teaching methods enhance students' understanding of concepts in public sector management (Awaah, 2020; Awaah *et al.*, 2021). Also, Giordano and Tommasino (2009) discover that historically shaped values and political attitudes continued to influence the quality of the Italian public sector. The Ghanaian scene is no different. Ghanaian indigenous attitudes like gratitude have led to corruption which negatively influences employee efficiency (Yeboah-Assiamah *et al.*, 2016). This influence may be exacerbated by cronyism which is perceived to characterise decision-making in the Ghanaian public service. Coco and Lagravinese (2014) observe that cronyism has been proven to negatively affect growth and productivity. Shaheen *et al.* (2017) note that cronyism breeds employee deviance in the public service which affects efficiency.

Cronyism leads to the appointment of friends and allies to key positions regardless of their credentials. Relationships are prioritised at the expense of ability. It follows that cronyism could adversely influence the effects of indigenous cultural elements on employee efficiency. However, this phenomenon has not been investigated in literature, particularly from the Ghanaian context. Hence, this study examines the relationship between indigenous culture and employee efficiency, using cronyism as moderator.

The study employs Cohen *et al.*'s (2003) hierarchical regression analysis to test the hypotheses by using cross-sectional data. It contributes to the extant literature by providing empirical evidence that cronyism effectively strengthens the relationship between indigenous culture and employee efficiency. Therefore, SOEs managers should endeavour to minimise, if not abort, the practice of cronyism in the employment process to ensure their efficiency. The rest of the paper is structured to include literature review and hypotheses development, methodology, results and discussion, and conclusion.

Literature review and conceptual framework

Hofstede's cultural dimensions theory

Hofstede (1980) proposed four cultural characteristics (power distance, uncertainty avoidance, individualism or collectivism, and masculinity or femininity) that could distinguish how a society's culture influences the actions and values of its people. He later added two more dimensions: long or short-term orientation and indulgence or restraint (Hofstede, 2011). Power distance and collectivism dimensions are relevant to this study, and so they are reviewed as underpinning theory.

African organisations and communities are characterised by power distance culture (PDC). PDC is "the extent to which less powerful members of institutions and organisations within a society expect and tolerate uneven power distribution" (Hofstede, 1980, p. 28). The idea of power distance demonstrates how cultures deal with inequities among people. It spans in value from zero to hundreds of PDC if less powerful members of organisations and institutions (such as the family) accept and expect unequal power distribution (Hofstede, 1980). Even if there are diverse individuals within a group, the collective philosophy of one group can be homogeneous and vary from one group to the next; thus, Hofstede (2011, p. 17) defines culture as "the collective programming of the mind that distinguishes the members of one group or category of people from others".

Collectivism is how people in a community are integrated into groups. It is a social, not an individual, feature. Individualist societies have loose relationships: everyone is expected to take care of themselves and their immediate family (Hofstede, 1980). Collectivists believe that

people are integrated from birth into strong, cohesive in-groups, frequently extended families (including uncles, aunts, and grandparents) that continue to protect them in return for unquestioning allegiance and oppose others (Hofstede, 2011).

Ghanaian indigenous culture

Indigenous culture represents a particular society's collective views, ideals, and practices. These ideals, traditions and practices are passed down from one generation to the next, ensuring that society maintains its identity (Côté and Levine, 2014). Based on Hofstede's cultural dimension theory, Ghanaian indigenous cultures include high power distance and collectivism (Owusu-Ansah and Louw, 2019). These cultures present characteristics such as respect for the elderly, gratitude, lack of punctuality and irregularity that foster public sector corruption thereby causing inefficiency (Awaah, 2022). These characteristics are reviewed as follows.

a. Respect for the elderly

Respect for the elderly has been ingrained into Ghanaians from childhood. Van der Geest (1997) asserts that respect and reciprocity are the guiding concepts in the Akan culture of Ghana's approach toward old persons and their care. Adama *et al.* (2021) also posit that respect for the elderly and authority is essential in Ghanaian society, and it is used to assess one's upbringing. Disrespect brings disgrace to one's family and community. Thus, the Ghanaian culture has a relatively high power distance as the words and actions of the elderly are accepted as they are usually left unchallenged, reflecting the views of Hofstede (1980).

b. Gratitude

Gratitude is a feeling of emotional indebtedness toward another person, frequently accompanied by a desire to thank or repay the individual for their kindness to you (Baffoe and Asimeng-Boahene, 2012). This feeling of emotional obligation and the desire to repay the person usually leads to gifts. In Ghana, refusing a gift is comparable to open hostility, and failing to express gratitude is equally disrespectful. The recipient may have to thank the donor several times for the same gift or gesture. Expressions of gratitude do not always take a monetary form but are sometimes expressed through reciprocal favours leading to cronyism (Jávor and Jancsics, 2016). This gratitude is a reflection of a collectivist society (Hofstede, 1980).

c. Lack of punctuality

Ghanaian culture does not value punctuality. Appiah-Nyamekye (2015) observes that lateness to meetings and appointments was typical and anticipated among Africans, particularly Ghanaians and Nigerians. This tendency results from Ghanaians' cultural socialisation, which is pervasive in Ghanaian social institutions. Terms like 'Ghana-man time', 'Ghanaian time', and 'African time', have been established in our cultural lexicon and emerge during funerals, festivals, traditional durbars, and other events. Despite the push for increased punctuality in the Ghanaian public sector, the ingrained nature of lateness has led to poor outcome (Abugre, 2017). This ingrained nature demonstrates that the Ghanaian culture is collectivist (Hofstede, 1980).

d. Irregularity

Regularity is defined as one's quality to be consistently present at their post or office. Regularity is closely linked to punctuality. Ghanaian culture has a very loose sense of regularity. Employees may go days without reporting to work. This absenteeism has largely been reduced by implementing time management policies (Abugre, 2017). However, some

employees cover for each other in exchange for favours, leading to conditions that allow cronyism to thrive, resulting from a collectivist society.

Employee efficiency

Employee efficiency is the efficient production and delivery of services (Andrews and Entwistle, 2013). Employee efficiency has four main dimensions (Lukes, 1974), which include: productive efficiency (the maximisation of outputs over inputs), allocative efficiency (the match between service demand and supply), distributive efficiency (the extent to which governments can provide an equitable distribution of services among citizens while staying within their budget constraints), and dynamic efficiency (balances current and future consumption). For this study, the focus is on productive efficiency.

At its most basic level, the idea of productive efficiency essentially relates to the relative inputs necessary to obtain the basic outputs of production (Gumah and Aziabah, 2020). Efficiency indicates the needs to choose options that offer the greatest outcome for resource application (Simon, 1976). This emphasis that productive efficiency encompasses not just conceptions of cost reduction, but also notions of effectiveness that is to maximise outputs. Cost-effectiveness, or the financial cost of producing a given unit of organisational performance, is also included (Ostroff and Schmitt, 1993). Specifically, the problem of efficiency in public organisations is to maximize the production function with the constraint that total expenditure is fixed (Simon, 1976).

Cronyism

Cronyism favours friends or close colleagues in giving employment and other benefits. As a concept, cronyism was first used in 1840 to mean 'the skill or inclination to establish friends' (Khatri and Tsang, 2003). When the Truman administration was accused of promoting cronies to government offices regardless of their credentials in 1952, it became a political term. This technique was defined as cronyism by a writer from the New York Times, changing the word's definition (Khatri and Tsang, 2003). Cronyism has been proven to affect growth and productivity negatively (Coco and Lagravinese, 2014), increase corruption (Roberts, 2010), and employee deviance in the public service (Shaheen *et al.*, 2017). Cronyism thrives in collectivist societies like Ghana's, where individuals are expected to have unquestioning allegiance to the group (Hofstede, 2011). A related concept is nepotism which deals with favouring family members. Cronyism is amplified by the practice of nepotism which cannot be overlooked as they promote bad work culture, ultimately causing inefficiency (Awaah, 2022).

Indigenous culture and employee efficiency

From Ghanaian perspective, gratitude indicates a collectivist culture (Hofstede, 2011) where everyone believes gratitude is due him/her. Thus, failure to show gratitude is considered ungratefulness which affects your subsequent engagement with the colleague or superior you owed the gratitude. Empirically, Yeboah-Assiamah *et al.* (2016) reveal that Ghanaians' efforts to demonstrate gratitude impede employee efficiency. They explain that the sentiment of gratitude and reciprocity leads to corruption, negatively influencing employee efficiency. In this study, it is hypothesized that:

H1a: Gratitude will negatively relate to employee efficiency.

Hashimoto (2008) asserts that Japanese society's switch to increased punctuality whilst dealing with Westerners post World War II greatly improved efficiency and helped improve the Japanese standard of living. Abugre (2017) also notes that time management or

punctuality is a driver of productivity. Nonetheless, Ghanaian indigenous culture does not promote punctuality. Lateness to work or appointments is common among Ghanaians (Appiah-Nyamekye, 2015), as they emphasize on terminology such as 'Ghana-man time' or 'Ghanaian time' to justify lateness (Awaah, 2022). These flexible definitions of 'on time' are linked to collectivist values and a short-term orientation (White *et al.*, 2011), yet no available literature in the Ghanaian context confirm the empirical relationship between lack of punctuality and employee efficiency. Therefore, it is hypothesized that:

H1b: Lack of punctuality will negatively relate to employee efficiency.

Studies in Ghana show that power distance culture allows superiors to commit corruption since most subordinates would not question them out of respect (Puni and Hilton, 2020; Hilton and Arkorful, 2021). Subordinates tend to show more respect for their superiors, especially if their superiors are older than them (Adama *et al.*, 2021). In order to reciprocate or reward the silence gesture of employees, superiors lower their standard of supervision and targets. This practice promotes employee inefficiency since supervision is largely ineffective and outcomes do not match against targets in many instances. For instance, Yeboah-Assiamah *et al.* (2016) reveal that unfettered respect for the elderly disrupts employee efficiency. A Ghanaian adage translates to 'even if you are as tall as your father, this does not imply that you are his equal'. This adage connotes that younger superiors in the organisation should not count themselves equal to the older subordinates. However, this thinking disrupts the public sector, where hierarchies and chains of command are vital in operations. There is, however, dearth of precise empirical study to affirm the negative relationship between respect for the elderly and employee efficiency. Hence, it is hypothesized that:

H1c: Respect for the elderly will negatively relate to employee efficiency.

According to Van Oort and Van Nes (2009), transit network planners frequently suggest network topologies that presume a certain amount of regularity or are specifically focused on enhancing service reliability, indicating the relevance of regularity in building efficiency. Absenteeism is closely linked to high collectivism culture, where everyone thinks that in his/her absence, others will work. This does not promote a sense of responsibility among employees so blame is commonly shifted when targets are not achieved, or things go wrong. It follows that such work culture will hinder efficiency. An empirical investigation is essential to underscore the possible negative relationship between irregularity (absenteeism) and employee efficiency. It is, therefore, hypothesized that:

H1d: Irregularity (absenteeism) will negatively relate to employee efficiency.

Indigenous culture, employee efficiency and cronyism

The African collectivist culture leads to corruption and fosters cronyism that impedes employee efficiency (Yeboah-Assiamah *et al.*, 2016). They asserted that the African extended family system placed undue pressure on public officials to provide better opportunities for their family members. This undue pressure often leads them to place family members in places of authority and responsibility even when they do not deserve it. Gyekye (2013) supports this point: "... the extended family system with its web of relatives gives rise to patronage: the official is expected to find jobs for some members of the extended family either his outfit or elsewhere".

Furthermore, the culture of gratitude places the emotional burden on the gift recipients to reciprocate the gesture (Yeboah-Assiamah *et al.*, 2016). The efforts to reciprocate gift gestures usually take the form of underserved favours (cronyism), which impedes employee efficiency. Besides, Coco and Lagravinese (2014) posit that cronyism has been proven to affect growth and productivity negatively. Roberts (2010) also indicates that cronyism increases

corruption, affecting efficiency. [Shaheen et al. \(2017\)](#) observe that cronyism breeds employee deviance in the public service, affecting efficiency. It is, therefore, hypothesised that:

H2a: Cronyism will moderate the relationship between gratitude and employee efficiency.

H2b: Cronyism will moderate the relationship between lack of punctuality and employee efficiency.

H2c: Cronyism will moderate the relationship between respect for the elderly and employee efficiency.

H2d: Cronyism will moderate the relationship between irregularity (absenteeism) and employee efficiency.

Conceptual model

The model in [Figure 1](#) indicates that indigenous cultures will affect employee efficiency, and cronyism will moderate that relationship.

Methodology

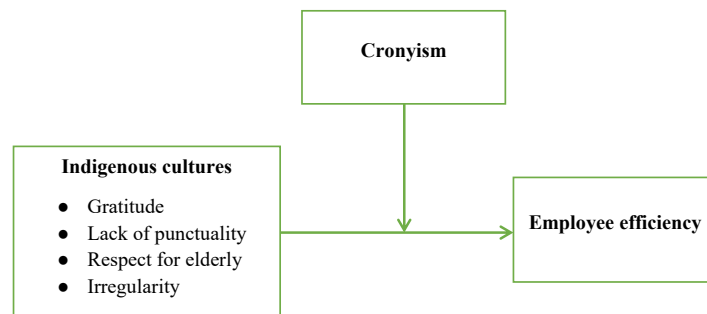
Research design

Explanatory and cross-sectional survey designs were used in this study. Explanatory design helps to explain the association among variables based on statistical inference ([Saunders et al., 2016](#)). Cross-sectional survey design helps to gather data at a particular point in time ([Zikmund et al., 2010](#)) in meeting the research objectives ([Altinay et al., 2015](#)). A quantitative approach was employed to collect numerical data for statistical analyses and conclusion.

Population and sampling

The study's population includes employees of SOEs in Ghana. According to the 2020 State Ownership Report, there are forty-seven (47) SOEs in Ghana ([Ministry of Finance, 2022](#)). The target population consisted of operational personnel from ten (10) randomly selected SOEs in Accra, the capital city of Ghana. The rationale for choosing Accra stems from the fact that most of Ghana's state-owned companies have headquarters and branches in Accra, making Accra a good representation of the public employees. Only 10 SOEs were selected because of resources constraint and lack of consent from some SOEs.

The SOEs were chosen randomly while the employees were purposively sampled. Only offices with approval and employees willing and accessible to participate in the survey were



Source: By authors

Figure 1.
Conceptual model for indigenous cultures, cronyism and employee efficiency

chosen. Applying Patton (2002) rule, 48 respondents from each SOE were chosen to participate in the survey, making a total sample size of 480. To avoid biased selection, a purposive sampling method was employed to select the respondents. The investigation lasted for five weeks. The questionnaires were administered face to face, where respondents were given about a week to complete while some completed the questionnaire on the first engagement. 400 valid questionnaires were collected from the 480 expected respondents. The analyses were conducted as the percentage of valid questionnaires (83.3 percent) is considered acceptable.

Instrumentation

A questionnaire was used to collect the data. The Dimensions of Questionnaire and Hofstede’s PDC instrument were adopted to measure the indigenous culture characteristics (Bochner and Hesketh, 1994). This helped to enhance cultural insight and to adopt understanding of diverse cultures to foster appreciation of the study. The questionnaire includes items that centred on leader-subordinate and coworker-coworker connections to determine how power distance and collectivist culture are prevalent in the organisations. High PDC replies were more likely to show respect for the elderly, but low PDC responses were less likely to do so. High levels of collectivism were associated with more thankfulness, a relaxed attitude toward punctuality, regularity, and cronyism. Low collectivist replies had a lower chance of doing so. Cronyism was measured with adapted items from Khatri and Tsang (2003). Sample items include: “I have strong unofficial relationships in the workplace”, “I leverage my unofficial relationships in the workplace for favours”, “There are strong cliques and groups in my workplace”, “I am more likely to enjoy favours in my workplace if they belong to the manager’s clique”, “I am loyal to my manager than my organization”.

Employee efficiency was measured with adapted items (Merry, 2013). Sample items include: “in our organisation, each employee’s output is contributing to company’s goals and targets”, “quality of the task completed is also measured in our organisation”, “employee productivity is determined by recording how they use their work time”, “employee’s productivity is directly linked to profit of the organization”, and “most of the employees here consume less resources than are normally required for the same output”. All the items were given a five-point Likert scale answer, with the options: (1) strongly disagree, (2) disagree, (3) somewhat agree, (4) agree, and (5) strongly agree.

Predictive validity and reliability tests were performed to ensure that the instrument accurately and consistently measured the research variables. Cronbach’s alpha was calculated to evaluate the reliability, while the inter-construct correlation was utilised to assess the predictive validity. According to Fields (2009), both tests aid in confirming if an instrument accurately measures what it is supposed to measure, but the reliability test focuses specifically on the internal consistency of the measuring scales. Table 1 shows that

Variables	α	1	2	3	4	5	6
1. Lack of punctuality	0.74	1					
2. Respect for elderly	0.88	0.68**	1				
3. Gratitude	0.91	0.60**	0.69**	1			
4. Irregularity	0.76	0.57**	0.52**	0.46**	1		
5. Cronyism	0.83	0.29**	0.33**	0.37**	0.30**	1	
6. Employee efficiency	0.87	-0.31**	0.22*	-0.36**	-0.29**	-0.38**	1

Note: ** $p < 0.01$ and * $p < 0.05$

Source: By authors

Table 1.
Cronbach’s alpha and
inter-construct
correlation

the instrument is predictively valid and reliable as the Cronbach's alpha coefficients range from 0.74 to 0.91, which is over the 0.70 suggested level for this sort of study (Cooper and Schindler, 2008).

Data analysis

Descriptive statistical analysis was done to report the mean, standard deviation, skewness, and kurtosis. A Pearson correlation analysis was used to evaluate the links. A hierarchical regression analysis investigated the associations and the moderating effect of cronyism. This regression technique recommended by Cohen *et al.* (2003) has been widely applied in moderation studies (Puni and Hilton, 2020; Hilton *et al.*, 2021; Martins, 2022).

Results and discussion

Table 2 indicates that the sample has more males (61 percent) than females (39 percent). 45 percent of respondents are aged between 31 and 40 years, 30 percent of them are aged between 41 and 50 years, 19 percent of them are aged between 20 and 30 years, and 6 percent of them are aged between 51 and 60 years. Regarding marital status, more than half of the respondents are married (68 percent), followed by those who hold a master's degree (24 percent), then those holding other certificates (18 percent), and holders of diploma (17 percent), with the least possessing professional certificate (13 percent).

Table 3 shows the mean, standard deviation, skewness and kurtosis of the constructs of the study. The mean results show that all indigenous cultures are eminent in the selected organisations, with gratitude being the predominant indigenous culture and regularity being the least. Meanwhile, the mean score for cronyism shows that the cronyism level in the selected organisations is quite high. The mean score for employee efficiency indicates that the workers' efficiency in the selected SOEs is above average. As per Tabachnick *et al.*'s (2001)

Variables	Frequency (<i>n</i> = 400)	Percent
<i>Gender</i>		
Male	244	61
Female	156	39
<i>Age</i>		
20-30	76	19
31-40	180	45
41-50	120	30
51-60	24	6
<i>Marital status</i>		
Single	104	26
Married	272	68
Divorced	24	6
<i>Educational level</i>		
Diploma	68	17
First degree	112	28
Master's	96	24
Professional certificate	52	13
Others	72	18
Source: By authors		

Table 2.
Demographic characteristics of respondents

criterion, the data is parametric since the values of the skewness and kurtosis fall between -1 and $+1$, indicating that regression analysis can be carried out (Hilton *et al.*, 2021).

Table 4 presents the summary of the hierarchical regression analysis. The table contains three blocks. Each block contains three steps where step 1 relates to the individual entry of the indigenous cultures; step 2 relates to the entry of both indigenous cultures as independent variables and cronyism as a controlling variable; and step 3 relates to the inclusion of the interactive term of the indigenous culture and cronyism. The three-step procedure is followed to test the following: the distinct effect of the indigenous culture on employee efficiency (i.e., step 1), the augmentation effect of cronyism (i.e., step 2), and the moderating effect of cronyism on the relationship between indigenous cultures and employee efficiency (i.e., step 3). The unstandardised beta coefficients and t-statistics have been presented in three models, where model 1 relates to step 1; model 2 relates to step 2; and model 3 relates to step 3. The R-square, adjusted R-square and F-statistics are all significant, implying that both the indigenous cultures and cronyism contribute significantly to change in employee efficiency.

From Table 4, the unstandardised beta coefficients in model 1 for the indigenous cultures are significant, suggesting that the indigenous cultures have a significant relationship with employee efficiency. However, gratitude, lack of punctuality, and irregularity are negatively associated with employee efficiency, while respect for the elderly has a positive association with employee efficiency. Specifically, gratitude has the highest association (with coefficient of -0.32), followed by regularity (-0.30 coefficient), with punctuality being the least (-0.25 coefficient). These results imply that enhancement in these indigenous cultures will more likely lead to a significant decrease in employee efficiency by the magnitudes of their various coefficients. Hence, *H1a*, *H1b*, and *H1d* are supported. On the other hand, the relationship between respect for the elderly and employee efficiency suggests that enhancement in the culture of respect for the elderly will more likely lead to significant improvement in employee efficiency by the magnitude of the coefficient (0.19). Therefore, *H1c* is not supported since there is an inverse relationship between the two variables contrary to the stated *H1c*. (See Table 5)

The above findings confirm existing studies which reported that these indigenous cultures negatively affect employee efficiency (Hashimoto, 2008; Giordano and Tommasino, 2009; Van Oort and Van Nes, 2009; Yeboah-Assiamah *et al.*, 2016; Abugre, 2017). In supporting the prior research, this study demonstrates that the indigenous cultures (gratitude, lack of punctuality, irregularity, and respect for the elderly) have distinct effects on employee efficiency and have a combined effect on employee efficiency, except that respect for the elderly will produce a positive effect. This study further identifies that the predominant indigenous culture (gratitude) has the highest effect on employee efficiency. However, in contrast with Yeboah-Assiamah *et al.*'s (2016) findings that unfettered respect for the elderly disrupts employee efficiency. Therefore, this study has provided empirical evidence from a developing country's perspective on how unfavourable indigenous cultures can influence employee efficiency. This study further illustrates that the predominant indigenous culture (i.e., gratitude) should be a great concern to public policymakers to improve employee efficiency.

Variables	Mean	SD	Skewness	Kurtosis
Gratitude	4.07	0.82	-0.12	0.88
Lack of punctuality	3.72	0.87	-0.62	-0.07
Respect for elderly	3.47	0.84	-0.12	0.91
Irregularity	3.37	0.70	-0.41	0.80
Cronyism	3.84	0.78	0.57	0.32
Employee efficiency	3.28	0.63	-0.89	0.77

Source: By authors

Table 3.
Descriptive statistics
for study variables

Table 4.
Regression results for
employee efficiency

Block	Step	Predictors	Model 1			Model 2			Model 3			R^2	ΔR^2	F	P
			B	t		B	t		B	t					
1	1	Gratitude	-0.32	-8.27**	-0.27	-7.66**	-0.30	-8.23**	0.21	0.20	101.22	0.000			
	2	Cronyism			-0.25	-6.40**	-0.24	-6.27**	0.28	0.28	56.89	0.000			
	3	Gratitude × Cronyism					-0.20	-4.14**	0.30	0.29	54.57	0.000			
2	1	Lack of punctuality	-0.28	-6.73**	-0.24	-6.75**	-0.23	-6.69**	0.16	0.15	76.21	0.000			
	2	Cronyism			-0.21	-5.40**	-0.19	-4.32**	0.26	0.25	70.60	0.000			
	3	Lack of punctuality × Cronyism					-0.15	-2.77*	0.26	0.25	47.40	0.000			
3	1	Respect for elderly	0.19	4.11**	0.14	2.73**	0.12	2.56*	0.13	0.11	62.53	0.000			
	2	Cronyism			-0.20	-4.45**	-0.19	-4.38**	0.22	0.23	56.46	0.000			
	3	Respect for elderly × Cronyism					-0.17	-3.14*	0.23	0.21	37.75	0.000			
4	1	Irregularity	-0.30	-9.27**	-0.27	-7.66**	-0.25	-6.23**	0.21	0.20	99.62	0.000			
	2	Cronyism			-0.23	-5.40**	-0.21	-6.27**	0.28	0.28	58.89	0.000			
	3	Irregularity × Cronyism					-0.18	-3.36**	0.30	0.29	56.57	0.000			

Note. ** $p < 0.01$ and * $p < 0.05$; Initial entry of cronyism: beta = -0.34 and t -value = -8.26

Source: By authors

Table 5.
Summary of hypotheses results

Hypotheses	Coefficient	t-value	Decisions
H1a	-0.32	-8.27**	Supported
H1b	-0.28	-6.73**	Supported
H1c	0.19	4.11**	Rejected
H1d	-0.30	-9.27**	Supported
H2a	-0.20	-4.14**	Supported
H2b	-0.15	-2.77**	Supported
H2c	-0.17	-3.14*	Supported
H2d	-0.18	-3.36**	Supported

Note: ** $p < 0.01$ and * $p < 0.05$

Source: By authors

Theoretically, this study underscores the relevance of Hofstede's cultural dimension theory, precisely the high power distance and collectivism as underpinning cultures to the Ghanaian indigenous culture. The results are consistent with the empirical findings of Puni and Hilton (2020) that Ghana has a high PDC, which breeds some of her indigenous cultures (i.e., respect for the elderly). Likewise, this study's result is consistent with Hofstede's collectivist dimension of culture, which is empirically confirmed in Ghana by Owusu-Ansah and Louw (2019). Thus, Hofstede's high collectivism principles are evident in Ghanaian indigenous cultures including gratitude, lack of punctuality and irregularity (absenteeism). According to Hofstede's earlier findings, this study provides that indigenous cultures are pervasive in the public sector, particularly among African countries. Understanding these indigenous cultures offers the opportunity to adopt the strategies to minimise their practice at the workplace in promoting employee efficiency. Additionally, this study fills the gap in the literature by applying the Hofstede's cultural dimension theory to Ghanaian indigenous cultures, which may be pervasive in other African countries, which received little attention from scholars.

Under model 2, the controlling effect of cronyism in step 2 is significant, meaning that cronyism contributes to explaining the variance in employee efficiency. Again, the initial entry of cronyism as a predictor shows significant unstandardised beta coefficients of -0.34 (see note to Table 4). Comparing this coefficient to the coefficients in model 1, it can be concluded that cronyism could augment all the indigenous cultures and not vice versa.

Moderating effect of cronyism

Applying the moderating analysis procedure by Cohen *et al.* (2003), multiplicative interaction terms were created. The variables were centred on a mean of 0 to reduce the correlation between the interactive term and the variables comprising the interaction to prevent the possibility of high multicollinearity. The results under model 3 in Table 4 depict the interaction effect. Cronyism has a significant moderating effect on the association between the indigenous cultures and employee efficiency. This result demonstrates that increasing the moderator (cronyism) would increase the negative effect of the indigenous cultures on employee efficiency. Hence, H2 is supported.

This moderation result provides empirical support to the observation of Yeboah-Assiamah *et al.* (2016) that culture leads to corruption, particularly the African collectivist culture, which fosters cronyism that impedes employee efficiency. This result further supports the earlier assertion that the efforts of public workers to reciprocate gift gestures usually take the form of underserved favours (cronyism), which impedes employee efficiency. Moreover, the result validates Coco and Lagravinese's (2014) claim that cronyism affects growth and productivity (efficiency) negatively. Lastly, this moderation result justifies Roberts' (2010) postulation that cronyism increases corruption, which in turn affects efficiency.

This study focused on the interaction effect of cronyism and indigenous cultures in relation to employee efficiency and has demonstrated that cronyism increases the negative influence of unfavorable indigenous cultures on employee efficiency. This is consistent with extant study that discovers cronyism breeds employee deviance in the public sector which affects efficiency (Shaheen *et al.*, 2017). It implies that, while it is appropriate to control the practice of these inimical cultures, the inclusion of cronyism in the control mechanisms is necessary to reduce the overall impact of these indigenous cultures on employee efficiency.

Conclusion

The findings suggest that the indigenous cultures are highly practiced in the selected SOEs. It implies that SOEs managers and policymakers should strive to identify and implement strategies that will minimize the practice of such adverse cultures in the workplace. Secondly, except for respect for the elderly, indigenous cultures have a significant negative association with employee efficiency. Therefore, the implementation of the recommendation above is essential to reduce the impact of such cultures on employee efficiency. Additionally, cronyism is an effective augmentor and moderator of all the indigenous cultures. It means that cronyism is a bad practice which can affect organizations adversely. Therefore, specific strategies (such as enactment or amendment of regulations or formulation of public policy and strict enforcement of same) to regulate and guide public recruitment and promotion processes have to be commissioned. Such policies or regulations should prohibit the recruitment of friends and relations in the same institution. This will contribute to the control of the adverse cultures and ultimately reduce their negative effect on employee efficiency.

Socially, government and other stakeholders such as civil society organisations, churches, community leaders and schools would have to make conscious efforts to shape the culture of the citizens by insisting on appropriate cultures with no room to condone adverse cultures. When public officials are found guilty of violating cultural regulations or policies, these groups or individual citizens should be empowered to take reasonable steps to seek appropriate redress.

This study has identified that indigenous cultures such as showing gratitude, lack of punctuality, and irregularity (absenteeism) are detrimental to employee efficiency. The findings suggest that all other things being equal, a positive overturn of these indigenous cultures is crucial in enhancing public workers efficiency. Gratitude is the most prevalent indigenous culture in the Ghanaian SOEs, so mechanisms have to be introduced to discourage such practices. Cronyism significantly moderates the association between the indigenous cultures and employee efficiency. Even respect for the elderly that positively associated with employee efficiency will turn negative. Thus, special attention has to be paid to cronyism in the SOEs recruitment process to get the right persons for the job to promote employee efficiency.

This study focuses on Ghanaian SOEs, but it would be interesting to know if the moderating effect of cronyism on the association between indigenous cultures and employee efficiency is country-specific or holds true in other developing countries with similar cultures. Therefore, future studies are suggested to examine the phenomenon to see if the same results would be evident in other developing countries with similar cultures, and whether these relationships are sector specific.

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