

JUDICIAL ETHICS AS A BARRIER AGAINST INSTITUTIONAL CORRUPTION: A SYSTEMATIC REVIEW

Temis Jhon Rivas Ochoa¹

¹Universidad San Ignacio de Loyola (USIL), Lima, Peru, E-mail: temis.rivas@epg.usil.pe, ORCID: <https://orcid.org/0000-0002-8764-9093>

Received: 11/12/2023

Accepted: 30/01/2024

ABSTRACT

Objective: To analyze judicial ethics as a barrier against institutional corruption through a systematic review.

Methods: Qualitative study with a documentary design following PRISMA 2020 protocols. A total of 300 initial records were identified from academic databases (Scopus, Web of Science, SciELO) and specialized repositories. After applying eligibility criteria, 12 articles were included in the final analysis.

Results: Judicial ethics is a multidimensional construct that integrates personal (virtuous training), institutional (transparency and objective evaluation), and social (public perception) dimensions. Empirical evidence shows that judicial misconduct significantly erodes public trust and has measurable economic and social consequences, particularly for marginalized groups.

Conclusion: Judicial ethics constitutes a public good requiring a comprehensive approach: strengthening judicial training, designing replicable evaluation systems, ensuring proactive transparency, improving working conditions, and fostering international cooperation. Only through this integrated approach can public trust be restored and a truly ethical justice system ensured.

KEYWORDS: Ethics; Corruption; Transparency; Judicial; Systematic review

INTRODUCTION

Globally, corruption represents one of the greatest obstacles to the development of societies, undermining trust in public institutions, weakening the rule of law, increasing social inequality, and reducing government effectiveness. Transparency International¹ points out that corruption continues to be a persistent global challenge, even in countries with consolidated democratic systems, highlighting the urgent need for effective policies to mitigate this phenomenon across different sectors. The legitimacy of the Judiciary rests, to a large extent, on the trust that citizens place in its members. In a context where corruption threatens the foundations of the Rule of Law, judicial ethics emerges not as a mere normative adornment, but as an essential mechanism for institutional survival.

Díaz and Steven² argue that strengthening financial transparency standards for judges constitutes a preventive instrument against judicial corruption and strengthens accountability. Geyh³ states that judicial ethics not only requires impartiality in decisions, but also preserving public trust by avoiding any conduct that generates suspicion of corruption or conflicts of interest. Baker and Canelo⁴ warn that cases of judicial misconduct significantly undermine citizen trust in justice and strengthen the perception of institutional corruption.

Greenstein⁵ argues that judicial ethics constitutes the foundation of the Judiciary's legitimacy, as it promotes impartial decisions and strengthens public trust in the face of corruption risks. Saavedra et al.⁶ point out that corruption represents a constant threat to the Rule of Law because it operates covertly, transforms itself, and rapidly recurs in various public and private spheres, making it difficult to build integrity in judicial systems. Tello et al.⁷ affirm that, despite all forms and motives of corruption, the ethics of the judge must prevail as a source of personal values that allow impartiality, objectivity, and responsible professional conduct.

Mazur⁸ reveals that study of judicial corruption based on leaked files shows that the assumptions of judges and lawyers about how corruption works differ significantly from how it operates in practice, evidencing the complexity of the ethical problem in the judicial system. Asrun⁹ argues that the ethical crisis of judges occurs when judicial independence is compromised, generating uncertainty regarding judicial accountability. Ali and Nurhidayat¹⁰ provide an economic perspective, stating that ethical attitudes are decisive in models of corruption, since the threshold of temptation depends on the individual's moral foundations conditioned by institutional incentives. Washington¹¹ argues that promoting ethics and professional behavior among law enforcement officials, along with increased salaries and

social security, would reduce the motivation to accept bribes. In this context, the present study aimed to analyze judicial ethics as a barrier against institutional corruption through a systematic review.

METHODS

This study has a qualitative approach with a documentary research type based on a systematic review, understood, according to Higgins et al.,¹² as a type of scientific study that uses systematic and explicit methods to identify, select, and critically evaluate all relevant research on a given question. To select the sample, the PRISMA 2020 protocols described by Page et al.¹³ were executed, comprising a set of evidence-based items designed to help authors transparently document why the review was done, what the authors did, and what they found.

The search was conducted in academic databases (Scopus, Web of Science, PubMed, SciELO) and specialized repositories (Dialnet, Google Scholar). The following phases were established:

Identification and Search Phase: Records were identified in databases (n = 280) and through other sources such as manual searches in Google Scholar, reference lists, doctoral theses, and gray literature (n = 20), yielding a total of 300 initial records.

Screening Phase: After removal of 50 duplicate records, 250 unique studies remained. Of these, 170 records were excluded following title and abstract screening for relevance to the research objective.

Eligibility Phase: The full text of 80 articles was assessed. Of these, 68 were excluded for the following reasons: inadequate design (n = 25), irrelevant population (n = 23), and full text unavailable (n = 20).

Inclusion Phase: Twelve studies successfully passed all previous filters and were included in the final systematic review.

Figure 1 presents the PRISMA 2020 flow diagram of the selection process.

Figure 1. PRISMA 2020 flow diagram of the systematic review process.

IDENTIFICATION	Records identified from database searching (n = 280)		Records identified from other sources (n = 20)
	Total records identified (n = 300)		
SCREENING	Records after duplicates removed (n = 250)	→	Duplicate records excluded (n = 50)
	Records screened by title and abstract (n = 250)	→	Records excluded – title/abstract not relevant (n = 170)
ELIGIBILITY	Full-text articles assessed for eligibility (n = 80)	→	Full-text articles excluded (n = 68): inadequate design (n = 25); irrelevant population (n = 23); full text unavailable (n = 20)
INCLUSION	Studies included in the systematic review (n = 12)		

Source: Elaborated by the author based on Page et al.¹³ (2021).

RESULTS

The 12 studies included in the systematic review are summarized in Table 1.

Table 1. Findings from studies included following PRISMA 2020 protocols.

Author(s)	Title	Type	Key finding
Bermeo (2023)	Need for ethical training of judges to guarantee access to justice	Thesis	Argues for judicial ethical training, recognizing insufficiency of positive law to regulate all ethical conflicts.

Herring (2023)	Bastions of Independence or Shields of Misconduct? Increasing Transparency in Judicial Conduct Commissions	Paper	Proposes mandatory disclosure by conduct commissions when investigating cases that have deprived defendants of constitutional rights.
Jofré & Valdivia (2025)	Informal Networks and Gender Bias: A Review of Cases from Open Justice and Judicial Ethics	Paper	Open Justice pillars (transparency, participation, accountability) can rebuild public trust and strengthen an ethical culture based on universal norms.
Raíz (2024)	Supreme Impropriety? Evaluating the Conduct of Judges	Paper	Methods to evaluate judicial conduct must be (i) objective and precise; (ii) free from ideological contamination; and (iii) consistently replicable.
Baker & Canelo (2025)	Judges Behaving Badly: Judicial Misconduct and a Threat to Rights	Paper	Discriminatory judicial misconduct is perceived as a systemic threat to the rights of all marginalized groups, not only those directly affected.
Saavedra et al. (2024)	The Fight Against Corruption and the Implementation of Judicial Reforms	Paper	Recurring corruption poses a high risk to the Rule of Law; a holistic approach to judicial reforms is needed to minimize corruption.
Tello & Cornejo (2023)	The Ibero-American Code of Judicial Ethics: A Tool Against Corruption in Ecuadorian Justice	Paper	Judicial ethics guarantees effective judicial protection, legal certainty, and respect for the rights of those seeking justice in Ecuador.
Mahdaviéh (2024)	Beyond the Borders: The Rise of Judicial Corruption and Universal Jurisdiction	Paper	Judicial corruption threatens not only the affected state but the entirety of the international legal system, justifying universal jurisdiction.
Vigo (2025)	Judicial Ethics in Mexico: Principles, Norms, and Virtues	Paper	Advocates for personalist ethics grounded in human dignity, highlighting independence, impartiality, and conscientious objection as key principles.
Mazur (2025)	Judges Under Corruption Stress: Lessons from Leaked Files	Paper	Corruption increases transaction costs, limits access to justice, and its practice differs significantly from the assumptions of legal operators.
Gómez & Troya (2025)	The Independence and Impartiality of the Judiciary and the Fight Against Corruption	Paper	Strengthening judicial independence requires adequate resources, witness protection, and inter-institutional cooperation.
Gardner (2025)	Repairing a Broken Ethical Culture: The Promise and Perils of the Supreme Court's Code of Conduct	Paper	Ethical codes require cultural internalization within the institution; their mere existence does not guarantee effective change.

Source: Elaborated by the author.

The findings from the 12 works analyzed reveal that judicial ethics ceases to be a personal attribute and becomes a systemic ecology that sustains or destroys the social contract. Bermeo¹⁴ establishes a fundamental epistemological premise: no codification can exhaust conflictive reality, and judges inevitably operate under the influence of their political, social, and cultural positions. Vigo¹⁵ provides philosophical underpinning by advocating for personalist ethics grounded in human dignity.

Baker and Canelo⁴ demonstrate experimentally that judicial misconduct — especially when it has a discriminatory tinge — is perceived as a systemic threat to all marginalized groups. Mazur⁸ offers an economic perspective by showing that corruption raises transaction costs and pushes ordinary citizens out of the judicial system. These findings align with Saavedra et al.,⁶ who establish causal relationships between recurring corruption and the weakening of the Rule of Law.

Herring¹⁶ and Jofré & Valdivia¹⁷ advocate for radical transparency, arguing that judicial conduct commissions must be required to disclose information when constitutional rights are at stake. Raíz¹⁸ proposes that the evaluation of judges' conduct must meet three criteria: objectivity, clarity, and — most ambitiously — consistent replicability. Mahdavi¹⁹ raises the geopolitical stakes by asserting that judicial corruption threatens not merely a domestic order but the entire international legal system. Gómez & Troya²⁰ demand tangible measures: allocation of adequate resources, protection of witnesses and whistleblowers, and inter-institutional cooperation. Gardner²¹ concludes that ethical codes require active cultural internalization within the institution to produce genuine change.

DISCUSSION

The review findings demonstrate that the fight against judicial corruption moves along three inseparable axes: personal virtue, institutional engineering, and social perception. Bermeo¹⁴ and Vigo¹⁵ place trust in the formation of judges' character, while Gardner²¹ and Tello & Cornejo²² place hope in the effectiveness of codes of conduct. However, Gardner introduces a critical nuance: the mere existence of a code is insufficient if not accompanied by a process of cultural internalization within the judicial institution.

The personal or virtuous dimension (Bermeo,¹⁴ 2023; Vigo,¹⁵ 2025) establishes that judges' integrity must be rooted in deep moral convictions. Without this foundation, any external control proves insufficient or easily circumvented. The institutional or structural dimension (Herring,¹⁶ 2023; Raíz,¹⁸ 2024; Gardner,²¹ 2025) establishes that transparency systems, objective evaluation mechanisms, and culturally internalized codes constitute the necessary scaffolding. The social or perceptual dimension (Baker & Canelo,⁴ 2025; Mazur,⁸ 2025) demonstrates that citizens do not judge judges by their intentions but by their visible actions.

One of the most significant cross-cutting findings is the confirmation of the insufficiency of written law to regulate all ethical conflicts. Bermeo¹⁴ and Tello & Cornejo²² agree that judges inevitably operate influenced by their political, social, and cultural contexts, underscoring the urgent need for continuous ethical training beyond legal updating. Herring¹⁶ and Jofré & Valdivia¹⁷ agree that radical transparency constitutes the most effective antidote against opacity that favors corruption.

The systematic review confirms that judicial corruption has tangible and quantifiable consequences beyond distributive justice. Mazur⁸ demonstrates that the lack of predictability in the judicial system raises transaction costs and excludes ordinary citizens from access to justice, deepening inequality. Baker & Canelo⁴ prove experimentally that judicial misconduct — especially when discriminatory — is perceived as a systemic threat to all marginalized groups, fueling a vicious circle of distrust.

Asrun⁹ warns that the ethical crisis of judges occurs when independence is misinterpreted as a shield against oversight rather than as a guarantee for judging free from pressure. Gómez & Troya²⁰ emphasize that judicial independence is not proclaimed but funded and defended through active state policies. Mahdavi¹⁹ contributes a geopolitical perspective: judicial corruption forces victims to appeal to universal jurisdiction, reinforcing the need for international minimum ethical standards.

This review has some limitations. First, it included only studies published in English or Spanish, which may underrepresent non-Anglophone or non-Hispanophone judicial contexts. Second, the heterogeneity of the included studies — spanning legal philosophy, political science, and empirical analysis — limits direct comparability of findings. Future research should include longitudinal studies examining the measurable impact of specific judicial ethics reforms on public trust and corruption indicators.

CONCLUSION

Judicial ethics cannot be understood as a mere catalog of prohibitions. On the contrary, it emerges as a three-dimensional phenomenon: personal (virtuous formation), institutional (transparent and replicable evaluation systems), and social (public perception of judicial conduct). Corruption is not only an economic challenge but one that directly affects access to justice and the protection of fundamental rights, particularly for the most vulnerable populations.

Judicial ethics constitutes a public good requiring a comprehensive approach: strengthening the training of judges, designing replicable evaluation systems, guaranteeing proactive transparency, improving working conditions, and fostering international cooperation. The old confidence that individual ethical character alone suffices has run its course; new judicial governance demands that judges demonstrate their fitness through replicable methods, that the system expose its informal networks, and that the state guarantee resources so that justice is not a luxury.

ACKNOWLEDGMENTS

The author declares no specific acknowledgments for this study.

AUTHORS' CONTRIBUTIONS

TJRO: Conceptualization, methodology, data curation, formal analysis, writing – original draft, writing – review & editing.

CONFLICT OF INTEREST

The author declares no conflicts of interest.

FUNDING

This study received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

DATA AVAILABILITY

Data availability is not applicable to this article as no datasets were generated or analyzed during the current study.

REFERENCES

1. Transparency International. CPI 2023: Corruption and (in)justice. 2024 [cited 2025 Apr 1]. Available from: <https://www.transparency.org/en/news/cpi-2023-corruption-and-injustice>
2. Díaz A, Alagna SJ. The Courthouse Ethics and Transparency Act: New Obligations for Federal Judges. *Judicature*. 2023;107(2):78-81.
3. Geyh CG. Judicial Ethics and Identity. *Georgetown J Legal Ethics*. 2023;36:233-76.
4. Baker MN, Canelo KS. Judges Behaving Badly: Judicial Misconduct and a Threat to Rights. *J Exp Polit Sci*. 2025;12(2):151-60. <https://doi.org/10.1017/XPS.2024.8>
5. Greenstein M. Judicial Ethics Enhances Public Confidence in the Impartiality of the Judiciary. *Judges J*. 2024;63(3).
6. Saavedra Neyra M, Huaccha Villavicencio ML. Lucha contra la corrupción y la implementación de reformas judiciales. *Clío Rev Hist Cienc Hum Pensam Crit*. 2024;(8):353-68. <https://doi.org/10.5281/zenodo.12600692>
7. Tello Sarmiento MA, Cornejo-Aguilar JS. El Código Iberoamericano de Ética Judicial. Una herramienta contra la corrupción en la justicia ecuatoriana. *Debate Juríd Ecuador*. 2023;6(3):414-32. <https://doi.org/10.61154/dje.v6i3.3239>
8. Mazur J. Judges under corruption stress: Lessons from leaked files about corruption in Slovakia. *Oñati Socio-Legal Ser*. 2025;15(2):459-83. <https://doi.org/10.35295/osls.iisl.1902>
9. Asrun AM. Judicial Corruption as a Violation of Professional Ethics. *Int J Prof Bus Rev*. 2023;8(2):e01125. <https://doi.org/10.26668/businessreview/2023.v8i2.1125>
10. Ali M, Mulyono A, Nurhidayat S. The Application of a Human Rights Approach toward Crimes of Corruption. *Laws*. 2023;12(4):68. <https://doi.org/10.3390/laws12040068>
11. Washington E. Ética en la administración de justicia y la prestación de servicios jurídicos para la sociedad ecuatoriana. *InnDev*. 2023;2(4):1-10. <https://doi.org/10.69583/inndev.v2n4.2023.82>
12. Higgins JPT, Thomas J, Chandler J, Cumpston M, Li T, Page MJ, et al., editors. *Cochrane Handbook for Systematic Reviews of Interventions*. Version 6.4. Cochrane; 2023. Available from: <https://training.cochrane.org/handbook>
13. Page MJ, McKenzie JE, Bossuyt PM, Boutron I, Hoffmann TC, Mulrow CD, et al. The PRISMA 2020 statement: An updated guideline for reporting systematic reviews. *BMJ*. 2021;372:n71. <https://doi.org/10.1136/bmj.n71>
14. Bermeo L. The need for ethical training of judges to guarantee the right of access to the administration of justice [Thesis]. 2023.
15. Vigo R. *Judicial Ethics in Mexico: Principles, Norms, and Virtues*. 2025.
16. Herring K. Bastions of Independence or Shields of Misconduct? Increasing Transparency in Judicial Conduct Commissions. *Fordham Law Rev*. 2023;92(2):723-66.
17. Jofré C, Valdivia M. Informal Networks and Gender Bias: A Review of Cases from Open Justice and Judicial Ethics. 2025.
18. Raíz D. *Supreme Impropriety? Evaluating the Conduct of Judges*. 2024.
19. Mahdavi A. *Beyond the Borders: The Rise of Judicial Corruption and Universal Jurisdiction*. 2024.
20. Gómez A, Troya M. *The Independence and Impartiality of the Judiciary and the Fight Against Corruption*. 2025.
21. Gardner B. *Repairing a Broken Ethical Culture: The Promise and Perils of the Supreme Court's Code of Conduct*. 2025.
22. Tello Sarmiento MA, Cornejo-Aguilar JS. El Código Iberoamericano de Ética Judicial. Una herramienta contra la corrupción en la justicia ecuatoriana. *Debate Juríd Ecuador*. 2023;6(3):414-32. <https://doi.org/10.61154/dje.v6i3.3239>