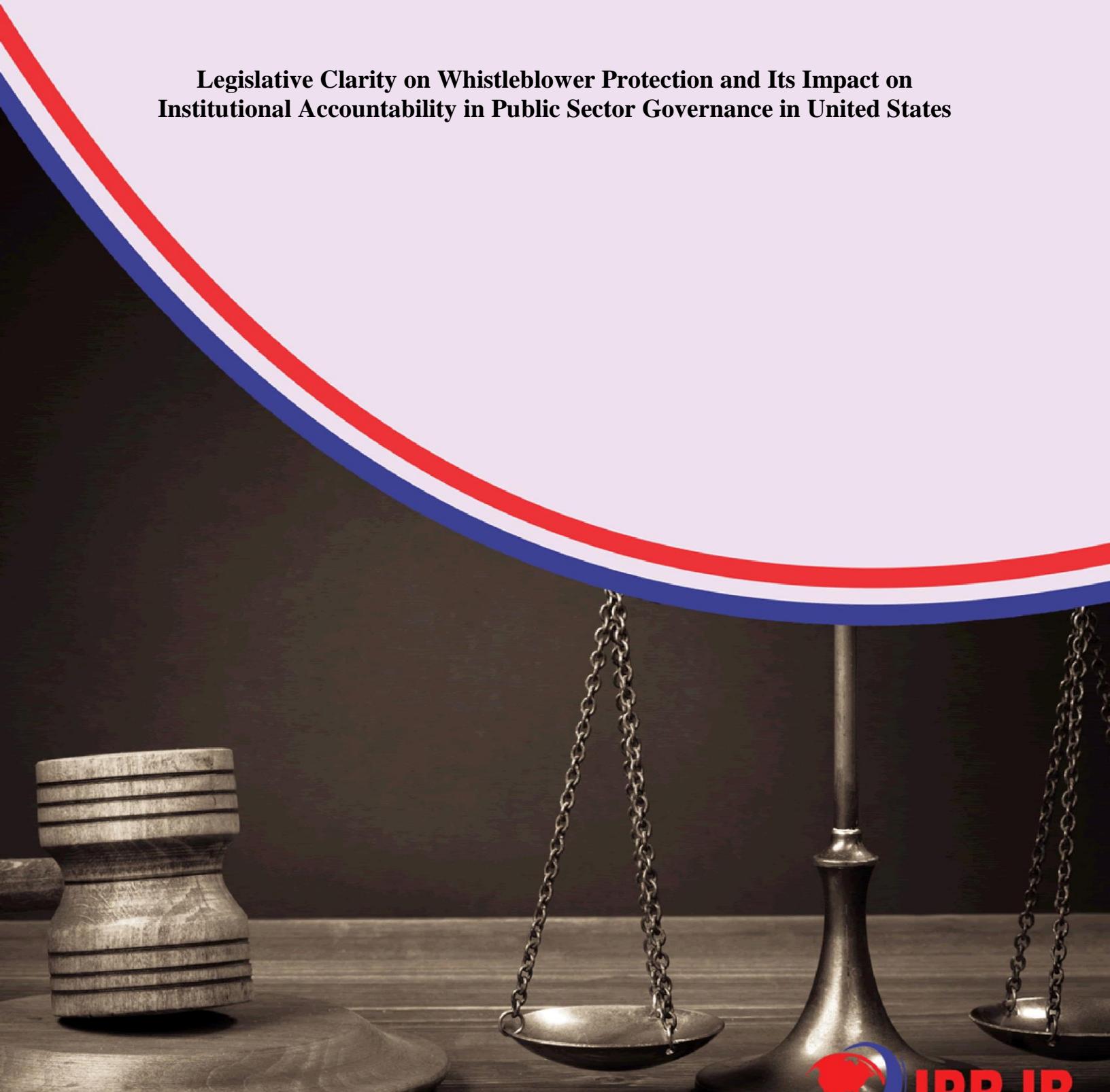


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**Legislative Clarity on Whistleblower Protection and Its Impact on
Institutional Accountability in Public Sector Governance in United States**



Legislative Clarity on Whistleblower Protection and Its Impact on Institutional Accountability in Public Sector Governance in United States



Patricia Brown

University of Chicago

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Abstract

Purpose: The aim of the study was to analyze the legislative clarity on whistleblower protection and its impact on institutional accountability in public sector governance in United States.

Methodology: This study adopted a desk methodology. A desk study research design is commonly known as secondary data collection. This is basically collecting data from existing resources preferably because of its low cost advantage as compared to a field research. Our current study looked into already published studies and reports as the data was easily accessed through online journals and libraries.

Findings: In the United States, clear and well-defined whistleblower protection laws, particularly under the False Claims Act and the Whistleblower Protection Act, have significantly increased the reporting of misconduct within public institutions. This legislative clarity has led to stronger corrective actions, including substantial recovery of misappropriated public funds and improved transparency in government operations. However, variations in enforcement and interpretation across agencies still limit the full potential of institutional accountability.

Unique Contribution to Theory, Practice and Policy: Principal-agent theory, institutional theory & transparency and accountability theory may be used to anchor future studies on the legislative clarity on whistleblower protection and its impact on institutional accountability in public sector governance in United States. Public institutions should strengthen whistleblower systems. Training on legal protections is essential. Reporting procedures must be clear. Governments should enact clear, comprehensive whistleblower laws. Enforcement mechanisms must be explicit.

Keywords: *Legislative Clarity, Whistleblower Protection, Institutional Accountability, Public Sector Governance*

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INTRODUCTION

Institutional accountability refers to the ability of public institutions to detect misconduct, enforce corrective actions, and operate transparently. In the United States of America (USA), whistleblower disclosures contributed to the recovery of over USD 7.8 billion in fraud-related funds between 2016 and 2022, largely under the False Claims Act. The United Kingdom (UK) reported an increase of over 30% in internal misconduct reporting following strengthened whistleblower guidance under the Public Interest Disclosure Act. In Japan, public sector accountability reforms led to a steady rise in reported administrative misconduct cases, increasing transparency within ministries. These trends show that clear whistleblower laws encourage reporting and corrective action. Empirical research confirms that legislative clarity strengthens institutional accountability in developed democracies (Vandekerckhove & Phillips, 2019).

However, accountability outcomes remain uneven even in developed contexts. In the USA, variations in statutory interpretation across agencies have resulted in inconsistent protection outcomes. The UK has faced criticism over limited enforcement mechanisms despite clear legislation. Japan continues to struggle with cultural barriers that discourage reporting. These challenges demonstrate that clarity alone must be supported by enforcement capacity. Studies emphasize that legislative clarity is necessary but not sufficient for sustained accountability (Brown, Lewis, Moberly, & Vandekerckhove, 2021).

In developing economies, institutional accountability is often weakened by ambiguous whistleblower legislation and limited enforcement. Countries such as India and Indonesia report low rates of misconduct disclosure, with fewer than 40% of public sector corruption cases originating from internal reporting. Weak legal clarity discourages potential whistleblowers. Corrective actions are often delayed or absent due to institutional resistance. Transparency levels remain low in many agencies. Research shows that unclear whistleblower protections undermine accountability mechanisms (Kenny & Serrano, 2018).

Nonetheless, reform efforts show promise. India's Whistle Blowers Protection Act has modestly improved reporting in select sectors. Indonesia's anti-corruption agency has strengthened reporting channels through regulatory clarification. However, enforcement remains inconsistent. Institutional accountability improves only where legal clarity is paired with political commitment. Scholars argue that legislative clarity is a critical foundation for accountability reforms (OECD, 2020).

In Sub-Saharan Africa, institutional accountability remains fragile due to weak whistleblower protection frameworks. Fewer than 35% of reported corruption cases result in corrective action in many countries. Fear of retaliation discourages disclosure. Transparency levels remain low across public institutions. Studies show that vague legislation undermines accountability (Bussell, 2018).

However, countries such as South Africa and Ghana have shown improvement following legislative reforms. South Africa's Protected Disclosures Act increased public sector reporting rates. Ghana's Whistleblower Act improved transparency in procurement oversight. Despite these gains, enforcement gaps persist. Scholars emphasize the need for clearer legislative scope and protection mechanisms (Munyua & Karanja, 2020).

Legislative clarity refers to the precision, scope, and enforceability of whistleblower protection laws. Four critical dimensions define legislative clarity: legal specificity, scope of protection, procedural clarity, and enforcement mechanisms. Legal specificity determines how clearly rights and obligations are defined. Scope of protection defines who qualifies as a whistleblower. Procedural clarity guides reporting processes. Enforcement mechanisms ensure remedies against retaliation (Vandekerckhove & Phillips, 2019).

These dimensions directly affect institutional accountability. Clear laws encourage reporting, increase corrective action, and improve transparency. Ambiguity discourages disclosures and weakens enforcement. Empirical studies confirm that institutions with clear whistleblower laws demonstrate stronger accountability outcomes. Legislative clarity thus functions as a catalyst for ethical governance. Strengthening clarity enhances accountability across public institutions (Brown, 2021).

Problem Statement

Despite growing recognition of whistleblowers as key accountability actors, many public sector institutions continue to experience persistent corruption, weak corrective action, and limited transparency. Ambiguous whistleblower protection laws discourage reporting and expose individuals to retaliation. In developing and Sub-Saharan African contexts, unclear legislative frameworks significantly undermine accountability mechanisms. Even in developed economies, inconsistencies in legal interpretation weaken institutional responses. These challenges raise concerns about the effectiveness of whistleblower protection regimes. There is therefore a need to examine how legislative clarity influences institutional accountability in public sector governance (Vandekerckhove & Phillips, 2019; Brown, 2021).

Theoretical Review

Principal-Agent Theory

Originally developed by Jensen and Meckling, explains accountability failures arising from information asymmetry between principals (citizens) and agents (public officials). Whistleblower legislation reduces this asymmetry by enabling insiders to expose misconduct. Legislative clarity strengthens the monitoring function by protecting agents who disclose wrongdoing. Where laws are vague, agents remain silent, weakening accountability. Recent studies show that clear whistleblower protections reduce agency loss and corruption (Brown, 2021).

Institutional Theory

Advanced by Meyer and Rowan, emphasizes legitimacy and rule conformity in organizational behavior. Clear whistleblower laws institutionalize accountability norms. Ambiguous laws weaken institutional legitimacy and discourage ethical conduct. Legislative clarity reinforces accountability routines. Empirical evidence confirms its relevance in public governance reforms (Scott, 2019).

Transparency and Accountability Theory

Rooted in democratic governance scholarship, posits that transparency mechanisms improve accountability outcomes. Whistleblower laws operationalize transparency. Clear legislation

increases disclosure and corrective action. Weak clarity limits transparency. Recent governance studies confirm this relationship (OECD, 2020).

Empirical Review

Vandekerckhove and Phillips (2019) examined whistleblower protection effectiveness in OECD countries. The study aimed to assess how legislative clarity influences reporting behavior. A comparative qualitative design was used. Legal frameworks across countries were analyzed. Interviews with public officials were conducted. Findings showed higher reporting rates under clear laws. Vague legislation discouraged disclosure. Institutions with clarity implemented corrective actions faster. Transparency improved significantly. Retaliation cases decreased. Ambiguity increased whistleblower fear. Enforcement mechanisms mattered. The study recommended clearer statutory definitions. Legal harmonization was emphasized. The study concluded that clarity strengthens accountability.

Brown (2021) investigated whistleblower protection reforms in Australia and the UK. The purpose was to evaluate institutional accountability outcomes. A mixed-methods approach was adopted. Survey data from public servants were analyzed. Legal case reviews complemented findings. Clear laws increased disclosures. Institutions responded more effectively. Transparency levels improved. Retaliation incidents declined. Weak clarity led to inconsistent enforcement. Cultural barriers persisted. The study recommended stronger enforcement clauses. Institutional training was emphasized. Legal clarity was central. The study concluded that accountability improves with clarity.

Kenny and Serrano (2018) examined whistleblower laws in developing economies. The study aimed to assess disclosure patterns. A cross-country quantitative design was used. Corruption indices were analyzed. Reporting rates were measured. Findings showed low disclosure under unclear laws. Retaliation risks were high. Corrective action was limited. Transparency remained weak. Clearer laws improved outcomes modestly. Institutional resistance persisted. The study recommended clearer legal scope. Political commitment was necessary. Enforcement capacity mattered. The study concluded that clarity enables accountability.

Bussell (2018) studied anti-corruption institutions in Sub-Saharan Africa. The purpose was to examine whistleblower protection effectiveness. A qualitative case study approach was used. Interviews with officials were conducted. Policy documents were reviewed. Findings showed weak accountability. Reporting rates were low. Fear of retaliation prevailed. Legal ambiguity discouraged disclosures. Corrective actions were rare. Transparency suffered. Institutional trust was low. Clear laws improved confidence. Capacity constraints persisted. The study recommended legal reform. The study concluded that clarity supports accountability.

OECD (2020) analyzed whistleblower protection frameworks globally. The study aimed to link legislative clarity to governance outcomes. A policy analysis design was used. Country reports were reviewed. Best practices were identified. Clear laws increased disclosures. Accountability improved. Corrective actions became timely. Transparency strengthened. Enforcement consistency improved. Weak laws failed. Cultural resistance existed. Institutional leadership mattered. Continuous review was recommended. Harmonization was emphasized. The study concluded that clarity is foundational.

Munyua and Karanja (2020) examined whistleblower laws in Kenya. The purpose was to assess accountability outcomes. A mixed-methods approach was used. Survey data were collected. Interviews were conducted. Findings showed limited reporting. Legal ambiguity discouraged whistleblowers. Retaliation fears persisted. Corrective actions were weak. Transparency was limited. Clear provisions improved outcomes. Enforcement gaps remained. Institutional resistance existed. Legal reform was recommended. Capacity building was emphasized. The study concluded that clarity enhances accountability.

Scott (2019) reviewed institutional accountability frameworks. The study aimed to explain governance effectiveness. A theoretical-empirical review was used. Organizational rules were analyzed. Findings showed clarity improves legitimacy. Accountability routines strengthened. Compliance increased. Transparency improved. Ambiguity weakened enforcement. Institutional norms mattered. Leadership influenced outcomes. Legal clarity reinforced norms. Accountability increased. Reform was recommended. Policy alignment mattered. The study concluded that clarity supports accountability.

METHODOLOGY

This study adopted a desk methodology. A desk study research design is commonly known as secondary data collection. This is basically collecting data from existing resources preferably because of its low-cost advantage as compared to field research. Our current study looked into already published studies and reports as the data was easily accessed through online journals and libraries.

FINDINGS

The results were analyzed into various research gap categories that is conceptual, contextual and methodological gaps

Conceptual Gap

Most studies examine whistleblowing or accountability independently without modeling legislative clarity as a multidimensional construct. The interaction between clarity, scope, and enforcement remains underexplored. This limits causal explanation. Addressing this gap enhances theory development (Vandekerckhove & Phillips, 2019; Brown, 2021).

Contextual Gap

Research is dominated by developed economies. Developing contexts receive limited attention. Institutional constraints are under-theorized. This limits generalizability. Addressing this gap enhances contextual relevance (Kenny & Serrano, 2018).

Geographical Gap

Sub-Saharan Africa remains under-researched. Existing studies focus on corruption broadly. Whistleblower law clarity is rarely examined. Comparative African studies are scarce. Addressing this gap improves regional policy relevance (Bussell, 2018; Munyua & Karanja, 2020).

CONCLUSION AND RECOMMENDATIONS

Conclusions

This study concludes that legislative clarity on whistleblower protection is a critical determinant of institutional accountability in public sector governance. Clear laws encourage disclosure, facilitate corrective action, and enhance transparency. Ambiguity undermines accountability by discouraging reporting and enabling retaliation. Evidence across regions confirms the importance of clarity. Legislative clarity strengthens institutional legitimacy. It reduces information asymmetry and corruption. However, clarity must be supported by enforcement capacity. Sustainable accountability requires continuous legal refinement. Strengthening whistleblower laws is therefore essential for ethical governance.

Recommendations

Theory

This study recommends integrating legislative clarity explicitly into accountability and governance theories. Treating clarity as a core variable enhances explanatory power. It advances understanding of law–accountability dynamics. Future models should incorporate enforcement scope. This strengthens governance theory.

Practice

Public institutions should strengthen whistleblower systems. Training on legal protections is essential. Reporting procedures must be clear. Anti-retaliation mechanisms should be enforced. Institutional leadership should promote ethical culture. These measures improve accountability outcomes.

Policy

Governments should enact clear, comprehensive whistleblower laws. Enforcement mechanisms must be explicit. Continuous legal review should be institutionalized. Regional harmonization should be pursued. These reforms strengthen transparency, accountability, and public trust.

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