

THE STATE ANTI-CORRUPTION POLICY IN THE RUSSIAN FEDERATION

Vyacheslav Nikolaevich Ageev
Naberezhnye Chelny Institute Kazan Federal University
ageev_fksu@mail.ru

Valentina Igorevna Kuzmenko
Yelabuga Institute of Kazan Federal University, The Republic of Tatarstan

ABSTRACT

The object of investigation is anti-corruption policy of the Russian Federation. The study aims to examine the normative legal acts of the Russian Federation that form the legal basis of the state anti-corruption policy. The article states that the anti-corruption policy is one of the priority directions of the state policy and has for its object to combat corruption, determine the main vectors of activity of the state in perspective, work out measures for fighting corruption, identify and overcome its social component.

In the process of writing this article we used the general scientific methods of research (logical analysis and synthesis, functional and historical and legal methods) and ad hoc methods. The methodology of the research was made up primarily by normative legal acts of the Russian Federation as well as works of Russian scholars who studied the foreign experience on this issue. As the result of studying, the authors have concluded that the national policy on combating corruption in the Russian Federation is fully consistent with international standards and principles and should be developed towards improving the legal framework and institutional mechanisms to fight corruption.

Keywords: *corruption, anti-corruption policy, state anti-corruption policy, combating corruption, anti-corruption legislation, national plan, national strategy.*

INTRODUCTION

Corruption is a phenomenon that reflects the level of development of the society as well as the state and the entire legal and political system. Corruption comes into existence and changes together with the state and its institutions.

V. Koop notes that corruption as an anti-social phenomenon has a destructive impact on all legal institutions, as the result of which the established rules of law are replaced by the rules dictated by the individual interests of those who are able to influence the representatives of the government and ready to pay for it [1].

It is obvious that combating corruption should be one of the priorities of state policy (it should be noted that based on the content of many normative legal acts, it is really such).

Understanding the experience of combating corrupt practices is essential in view of the attempts to improve anti-corruption policy in government, including the legislative level as well.

METHODS

In the process of writing, general methods of scientific knowledge were used. The specifics of the theme led to the use of formal legal and comparative legal research methods. Thus, the formal legal method was

used to determine the methodological aspects of anti-corruption policy in the Russian Federation. The comparative legal method was used to analyze a foreign experience on the issue under study and various rules of legislative acts of the Russian Federation.

The empirical base of the study was primarily the normative legal acts of the Russian Federation as well as the scientific research of the Russian and foreign scholars.

THE MAIN BODY

At the present time, a variety of scientific papers covering anti-corruption have appeared. Several foreign authors deal in their works with various aspects of the organization of combating corruption in state and judicial authority [2, 3, 4].

At the same time, when studying anti-corruption policy which is highlighted in many writings of many legal scientists, actually there has not been fully worked out the scheme which would determine such important aspects of development and implementation of anti-corruption measures such as: disclosure of anti-corruption policy and its social properties; definition of the content and mechanism of carrying out of the measures against anti-corruption; a complex analysis of anti-corruption policy and its relations with other areas of legal protection of citizens' rights and freedoms - criminal law, administrative and legal, disciplinary, civil law, etc.

In this connection, the main line of state policy in the sphere of national and public security over long-run prospect should be the improvement of normative and legal framework to prevent and combat corruption [5, p. 15].

Investigation of the role of anti-corruption policy shows that it is one of the priority lines of state policy and aims at fighting corruption, determining the main vectors of activity of the state for the future, developing the measures to combat corruption, exposing and overcoming its social component.

The legal concept of anti-corruption policy is a fundamental structural unit which connects all other elements of the state-legal mechanism for combating corruption with direct real forms of its manifestation. It reflects the real life phenomenon and brings it in the legal framework [6, p. 21].

Anti-corruption policy is a science-based, systemic lawmaking activity and the activities of the institutions of civil society aimed at combating and preventing corruption in order to reduce its negative influence on the life of the state, society and individuals associated with the elimination of causes and conditions that lead to its occurrence [7, p. 46].

The objectives of anti-corruption policy is the most comprehensive fair protection of rights and freedoms of natural and artificial persons, strengthening legality and the rule of law, increasing the level of legal culture.

It follows from the above-formulated notion of “anti-corruption policy” that the main measures of combating corruption are legal means.

The effectiveness of legal influence is predetermined by the selected areas of implementation of legal policy, addressing issues of institutionalization and instrumental entity [8, p. 19].

The purpose of legal means of fighting corruption is the law-governed state with the developed institutions that would make it possible for social mechanisms of the state working effectively, carrying

out social reforms, improving the efficiency of the national economy, fostering respect for the state in society on the whole as well as for public authorities in particular [9, p. 7 - 8].

At the same time, the main purpose of the legal means of combating corruption is to ensure the rights and freedoms of the individual.

It should be noted that for a long time, the development of anti-corruption legislation of the Russian Federation has surpassed the formation of anti-corruption legislative framework of the federal level.

The researchers note that taking into account the importance and necessity of combating corruption as well as the inaction of the federal authorities in this field, separate regional bodies of state power and their senior officials have begun to form their own legal framework for combating corruption, including own regional anti-corruption legislation [10, p.8].

However, admission of the problem of combating corruption offences in one of the key lines of the state legal policy of the Russian Federation has resulted in intensification of legislative activity in terms of standardization and universalization in the national law of principles and norms of the international law. On the basis of generally accepted norms of universal and regional nature, enshrined in the Criminal Law Convention on Corruption ETS №173 of January 27, 1999 and the United Nations Convention against Corruption of October, 31 2003, in Russia there was created the national mechanism for countering the mentioned socio-legal phenomenon.

In order to implement the state policy on combating corruption a decree of the President of the Russian Federation of May 19, 2008 № 815 “On Measures to Combat Corruption” has been issued, which initiated the foundation of the anti-corruption system in the Russian Federation.

The National Anti-Corruption Plan was approved by the Decree of the President of the Russian Federation of July 31, 2008, the main purpose of which was to prepare and submit to the State Duma of the Federal Assembly of the Russian Federation the draft of the Federal law “On Combating Corruption”, and which was implemented on December 25, 2008, resulting in the Federal law “On Combating Corruption”.

The Federal law of December 25, 2008 № 273-FZ “On Combating Corruption” formulates the fundamentally important notions such as “corruption”, “anti-corruption”, states the basic principles of anti-corruption, establishes institutional framework for combating corruption, the measures on preventing corruption, the main lines of activity of the state bodies to improve the effectiveness of anti-corruption, lays the basic foundations of restrictions on the rights and freedoms of persons holding public offices and positions of governmental service.

The adoption of the Federal Law № 172-FZ “On the Anti-Corruption Expertise of Legal Acts and Normative Legal Acts” of July 17, 2009 was conducive to the sequential solution of the problem of anti-corruption at the state level.

The next stage in the development of the normative legal framework for combating corruption becomes the statement by the Decree of the President of the Russian Federation of April 13, 2010 № 460 of the National Anti-Corruption Strategy and the National Anti-Corruption Plan for years 2010 - 2011.

By the decree of the Government of the Russian Federation of June 10, 2011 № 1021-r, the Conception of reducing administrative barriers and increasing the availability of public and municipal services for 2011 - 2013 was subject to the regulation. Based on the Decree of the President of the Russian Federation of March 13, 2012 № 297 “On the National Anti-Corruption Plan for 2012 - 2013 and Amendments to

Certain Acts of the President of the Russian Federation on Combating Corruption”, the organizational and practical measures on dealing with this kind of crime were specified. The effectiveness of anti-corruption legislation was contributed to by the adoption the Federal Law № 230-FZ of December 32012 “On the Control Over Expenditure of the Persons Taking Public Posts and Other Persons of Their Income”.

Taking into account the existing legal realities, another measure on optimization of the national mechanism for combating corruption-related crimes was the publication of the Decree of the President of the Russian Federation of April 11, 2014 № 226 “On the National Anti-Corruption Plan for 2014 – 2015”. The basis of the implementation of the state policy on combating corruption was “anticipatory” model of legal regulation, including the tendencies of corruption-related crimes, namely the state, structure, dynamics and determinants at the transnational, international, national and regional levels.

The following stage of optimization of the national mechanism for combating corruption crime is the improvement of the national normative legal framework through the development by the Government of the Russian Federation and the presidium of the Presidential Council of the Russian Federation for combating corruption related projects, that provide a detailed regulation of institutional framework for anti-corruption in the Russian Federation. The projects the model provisions for commissions to coordinate the work of anti-corruption in the Russian Federation as well as the offices of the state power of subjects of the Russian Federation on the prevention of corruption and other offenses are designed to promote the optimization of counteraction of corruption criminality. The functions of development and introduction and consultative and methodological support of the measures for the prevention of corruption in the organizations and supervision of the implementation of these measures are subject to the standard reserving for the relevant federal executive authority. The part of the regulation of the legal responsibility to determine the legal nature of violations of prohibitions and restrictions, non-fulfillment of duties instructs detailing of the system measures of the property liability for corruption offenses, the normative consolidation of legal, organizational and ethical foundations of organization and tactics of carrying out inspections of compliance with the established prohibitions and limitations, organization and tactics of protection of those persons who report cases of corruption.

The state policy of combating corruption today is defined by the National Anti-Corruption Plan for years 2016 - 2017, by the approved Decree of the President of the Russian Federation of April 1, 2016 № 147. The activities of the present National Plan are aimed at achieving the following main objectives:

improving the legal framework and institutional mechanisms to prevent and detect the conflict of interests in respect of the persons holding positions, which are liable to take measures to prevent and resolve the conflict of interests;

improving the mechanisms for control of expenditures and conversion of the property of the state into income in respect of which no information confirming its acquisition on the lawful income has been presented;

improving the efficiency of anti-corruption in the federal bodies of executive power and state bodies of the subjects of the Russian Federation, revitalizing the activities of the units of the federal state bodies and the bodies of the subjects of the Russian Federation on the prevention of corruption and other offenses as well as the commissions on the coordination of anti-corruption in the Russian Federation;

improving the efficiency of anti-corruption in procurement of goods, works and services for state and municipal needs;

the growing influence of ethical and moral norms in the observance by the persons who take public positions of the Russian Federation, state posts of the Russian Federation, municipal offices, the positions

of state and municipal services, prohibitions, restrictions and requirements established for the purpose of combating corruption;

the increased use of the mechanisms of international cooperation for detection, arrest and return the assets being received as a result of committing the crimes of corruption from foreign jurisdiction;

improving the efficiency of the advocacy and awareness-raising measures aimed at creating in society a climate of intolerance to corruption practices.

RESULTS

The result of the study was the statement of the following regulations:

- corruption is a phenomenon that reflects the level of development of the society and the state and the entire legal and political system;

- one of the key measures of combating corruption is the right as a means of normative legal influence aimed at overcoming and preventing the occurrence and development of corruption [11].

- the state policy on combating corruption in the Russian Federation is fully consistent with the international standards and principles;

- combating corruption at the state level should be a complex of measures taken in relation to corruption on creating the atmosphere of inadmissibility, intolerance in society through enhanced information influence on the institutions of government and civil society, implementation of educational measures in the field of legal pressure;

- the state policy of combating corruption in the Russian Federation should improve the legal framework and institutional mechanisms of combating corruption.

CONCLUSION

Thus, taking special measures to reduce the level of corruption criminality at the national level implies implementation in the system of public authorities and self-government of activities of the bodies of state control (supervision) and institutions of civil society, approval by the government of the activities of non-state institutions, public associations of citizens consolidating within the legal field of the efforts on preventing corruption-related crimes [12, p. 46]. The state policy on combating corruption should be a complex of measures on creating the atmosphere of inadmissibility by expanding the constructive informational influence on the institutions of government and society in relation to corruption as a social and legal phenomenon, implementing educational measures in the field of legal influence.

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