

IFTE 2018
4th International Forum on Teacher Education

**LEGAL BASES FOR THE FORMATION OF ANTI-CORRUPTION
CULTURE OF THE TEACHER**

A.R. Hamdeev (a)*

*Corresponding author

(a) Kazan Federal University, 18 Kremlyovskaya Street, Kazan, Russian Federation, avtor.kazan@yandex.ru,
89033885413

Abstract

Corruption in Russia is a historical problem. Now Russia is the perspective state. The development of such spheres as economy, politics, solving social problems, etc. is resolved. However, to continue the healthy growth of the country, it is necessary to take such deep measures to combat corruption, which will be aimed not only to momentary struggle but also for decades ahead to resolve preventive issues concerning corruption.

Regularities of economic and political development of society in Russia also determine the great role of the teacher's personality in promoting of this process. In turn, in educational organizations there is a need for personnel with anti-corruption culture.

Consequently, at a new stage in development of society, the question arises of the formation of an anti-corruption culture, in which high professionalism, intelligence, a social maturity and legal literacy combine. At the same time specially studying of the mechanism of formation of the teacher's anti-corruption culture in the conditions of educational organizations of general education has not been specially conducted. Although in a number of works on pedagogy similar questions were raised. For example, there is a dissertation "Pedagogical Conditions for formation of anti-corruption culture of university students" (Hamdeev, 2013) where the pedagogical conditions contributing for the formation of the anti-corruption culture of students and teachers are examined in detail.

© 2018 Published by Future Academy www.FutureAcademy.org.UK

Keywords: Teacher, corruption, culture, anti-corruption culture, legal bases, law.



1. Introduction

Modern society in the fight against corruption is also interested in improving the quality of education. Among the requirements for education at the present stage of development of society, special attention is paid to the personality of the teacher. The teacher is the organizer and leader of the educational process.

Therefore, the teacher should have a pedagogical and anti-corruption culture. If the pedagogical culture is an integral part component of general culture of a teacher, characterizing the degree of depth and thoroughness to the mastery of knowledge and pedagogical theory in its constant development, the ability to apply this knowledge on their own, methodically and reasonably with high efficiency in the pedagogical process taking into account individual-typical characteristics of students, their interests and in close connection with the development of science and practice, anti-corruption culture – this specific value orientations and abilities to the manifestation of active citizenship with respect to corruption. The anti-corruption culture of teachers reflects their civic activism and promotes their rights, safety and legal protection. However, the legal culture is at the heart of the anti-corruption culture, which ultimately leads to the stability of the constitutional system, strengthening the rule of law, accessibility of legislation, respect for democratic legal institutions, strict observance of the rule of law (Khamdeev & Gadylshina, 2016).

At the same time, the anti-corruption culture supposes the presence of competencies necessary for the right-conditioned behaviour: the ability to recognize corruption as a social phenomenon; the ability to evaluate materials related to corruption critically and objectively; the ability to imagine clearly what the fight against corruption is and to use all opportunities to reduce corruption in certain areas of life and activity; it is a stable motivation for anti-corruption behaviour that must comply with the moral and legal norms of society (Ibragimova, Zamaletdinov, & Amirova, 2010)

2. Problem Statement

Now there are three models of system corruption: Asian (corruption - the habitual socially acceptable cultural and economic event connected with functioning of the state); African (the power is on sale "on a root" to group of the main economic clans which agreed among themselves and provides with political means reliability of their existence); Latin American (connivance of corruption gives the chance to the shadow and criminalized sectors of economy to reach power, commensurable with state).

Completely any state did not manage to eradicate corruption, but reduction of the threshold of corruptibility is possible. These results were achieved now by Denmark, Finland, New Zealand, Sweden, Singapore, Norway, etc.

The important direction in realization of strategy of national anti-corruption policy of the country – anti-corruption education as the effective and perspective direction of anti-corruption.

Education – one of the most important spheres of public life. From its concrete filling by various social institutes, subject matters, the systems of techniques of giving and assimilation of information, structure of creation of educational institutions in the strongest way the future of the people and the direction of its spiritual and intellectual development depends.

One of the important directions in realization of strategy of anti-corruption policy is anti-corruption education. Its purpose – specialized training and education of shots concerning prevention of corruption, formation at them anti-corruption outlook and also increase in level of consciousness and legal culture.

Under the new conditions of a problem of corruption, the anti-corruption culture of the teacher, the legal support for the development of the anti-corruption culture, becoming paramount in the solution of many problems, remain still poorly understood, lying at the level of applied knowledge while upbringing and education are an important prognostic part of culture that is their main premise. The contradictions and deformations of their current interaction reflect the complexity of the exit of from the sphere of legal culture from the action, the so-called "residual" principle of social policy which took place in previous years. Therefore, it is not accidental that education still bears traces of a culture deficit that can be eliminated only in the in the conditions of a consistent and purposeful priority development of the renewed culture as a whole. In this regard it is necessary to single in the education and public life system certain aimed at integration into the world culture, promoting the rise of legal culture in society, the creation of a system of continuous education, its humanitarization and computerization, increasing interest in developing new pedagogical technologies that provide high quality of education and upbringing (Prokhorov, 2001).

The determining role in formation of the anti-corruption culture of the teacher is occupied by studying of legal bases and normative legal acts in the sphere of corruption. Therefore, the educational process aimed at the professional preparation of future teacher should have a component that fasters the formation of the legal knowledge in future teachers. However, the expression of legal bases requires a specification. The legal bases are the rules of conduct which are legally enshrined in laws and by-laws.

3. Research Questions

To reveal the content and essence of the norms of international law and the legislation of the Russian Federation in the framework of the formation of anti-corruption culture of teachers; to justify the role and place of norms of international law and normative legal acts in the process of forming anti-corruption culture of the teacher.

4. Purpose of the Study

The purpose of the research is to highlight the legal bases, to reveal the selection criteria and the generalized structure of normative legal acts aimed at the systemic formation of the anti-corruption culture of the future teacher.

5. Research Methods

To solve these problems, a set of research methods was used: theoretical analysis of legal and scientific literature on the problem under study, comparison, study and generalization of mass and advanced pedagogical and legal experience.

6. Findings

The basis of the formation of the anti-corruption culture of the teacher in the Russian Federation are such normative legal acts as the Constitution of the Russian Federation, the Federal law of 25.12.2008 No.

273-FZ "On anti-corruption" (Law of the Russian Federation, 2008), the Federal law of 29.12.2012 N 273-FZ "On education in the Russian Federation" (Law of the Russian Federation, 2012), the Criminal Code of the Russian Federation, the Russian Federation Code of Administrative Offences of 30.12.2001 No. 195-FZ, as well as local acts of the educational organizations themselves. For example: orders of educational organizations on the organization of a commission on combating corruption, on the organization of the work of the commission on combating corruption, on the appointment of the public official responsible for the prevention of corruption and other offenses. Very useful in process of forming an anti-corruption culture of the teacher are such local acts as the Provision on the commission on anti-corruption, Model codes of professional ethics and office behaviour of pedagogical workers, the Provision on the commission on settlement of disputes between participants of educational institutions on MBOU, the Standard and procedures aimed at providing conscientious work and behaviour of workers of MBOU, etc. are very useful.

Also conventional principles and rules of international law and the international contracts of the Russian Federation are a legal basis of formation of anti-corruption culture of the teacher. The relevant provision is enshrined in Art. 2 of the Federal law "About Anti-corruption" and also follows from contents of item 4 of Art. 15 of the Constitution of the Russian Federation according to which the conventional principles and rules of international law and the international contracts of the Russian Federation are a component of its legal system. Thus, the measures taken in the Russian Federation in connection with anti-corruption have to correspond to the international obligations.

The important place among the documents that contribute to the formation of the anti-corruption culture of the teacher are the UN Convention against corruption (The Russian Federation signed the Convention on December 9, 2003; The order of the Russian President of 06.12.2003 No. 581-rp), ratified with statements (The Federal law of 08.03.2006 No. 40-FZ); The Convention on a criminal liability for corruption (it is concluded in Strasbourg 27.01.1999. For the Russian Federation this document came into force since February 1, 2007); The Convention on fight against bribery of public officials of foreign states when carrying out the international business operations (The convention came into force of 15.02.1999 the Russian Federation joined the Convention (The Federal law of 01.02.2012 No. 3-FZ) which came into force for the Russian Federation 17.04.2012); The UN convention against transnational organized crime (The Russian Federation signed the Convention of 12.12.2000. (The order of the Russian President of 09.12.2000 No. 556-rp), ratified with statements (The Federal law of 26.04.2004 No. 26-FZ). The convention came into force for the Russian Federation 25.06.2004; The United Nations Declaration about fight against corruption and bribery in the international commercial organizations (it is approved by the Resolution 51/19 of the General Assembly of December 16, 1996); The Resolution of Committee of ministers of the Council of Europe "About twenty principles of fight against corruption" (it is accepted by Committee of ministers on November 6, 1997 at the 101st session); The Model law "Principles of the Legislation on Anti-corruption Policy" (it is accepted in St. Petersburg 15.11.2003 by the resolution No. 22-15 at the 22nd plenary session of Inter-parliamentary Assembly of the State Parties of the CIS); The convention on fight against bribery of foreign public officials at implementation of the international commercial transactions, etc. On the basis of above-mentioned international acts in accordance with them, the normative legal acts of the Russian Federation, legal support for the process of formation of the anti-corruption culture of the teacher is carried out.

In the UN Convention against corruption describes in great details the purpose, concepts, scope, measures to prevent corruption, etc. According to article 1 the purposes of the UN Convention against corruption are: a) assistance to acceptance and strengthening of the measures directed to more effective and effective prevention of corruption and fight against it; b) encouragement, simplification and support of international cooperation and technical assistance in prevention of corruption and fight against it, including taking measures to asset recovery; c) promotion of honesty and integrity, responsibility and also appropriate management of public affairs and public property (UN General Assembly, 2003).

In the UN Convention against corruption due attention the politician and the practician of prevention and anti-corruption is paid that is expressed in Article 5 which states that each State Party shall, in accordance with fundamental principles of its legal system, develop and carry out or pursues the effective and coordinated anti-corruption policy promoting participation of society and reflecting the principles of law and order, appropriate management of public affairs and public property, honesty and integrity, transparency and responsibility; establishes and encourages the effective practices aimed at preventing corruption; should seeks to periodically evaluate relevant legal documents and administrative measures with a view to determining their adequacy in terms of preventing and combating corruption, etc. (The United Nations convention against corruption, 2003)

Further it would be desirable to pay attention to national legal acts. The constitution of the Russian Federation was adopted by national vote on December 12, 1993. Analyzing the text of the Constitution of the Russian Federation, there are several kinds of the norms influencing fight against corruption:

- "valuable" reference points (determination of essence of the Russian state as democratic and legal);
- the constitutional guarantees (fixing of basic rights and freedoms of the person, citizen and guarantees from their violation from the state);
- organizational bases (definition of system of bodies of public management, their relationship with each other and with the population).

According to article 2 of the Constitutions of the Russian Federation the Russian Federation is a democratic federal constitutional state with a republican form of government (Constitution of the Russian Federation, 1993). In the context of the fight against corruption, this norm is one of the major. In the democratic state officials and other public figures are accountable and under control by the people. Control of the power can be exercised both directly by citizens, including by means of elections, referenda, responses of elected officials, and through various democratic institutes - representative bodies government of all levels (parliaments), independent courts, the media, public organizations, etc. In the atmosphere of transparency of the government and its responsibility to the people there is no ground for the development of corruption.

Among the fundamental principles of anti-corruption policy are the following constitutional guarantees:

- the constitutional principle of equality of citizens before the law and court;
- freedom of expression and thoughts;
- right for judicial protection of its rights and freedoms;
- presumption of innocence;
- protection of the rights of the victims against crimes and abuses of the power, compensation of the done harm, etc.

In the Russian Federation legal bases for the formation of the anti-corruption culture of teacher are also based on the relevant articles of the Federal law of 25.12.2008 No. 273-FZ "On anti-corruption". (The federal law "On anti-corruption", (2008). This normative legal act in the Russian Federation is the basic in regulation of questions of anti-corruption.

In article 1. The Federal Law "On Anti-corruption" definitions are given to the concept "corruption", "anti-corruption", etc. According to the law, corruption is and) abuse of official position, bribery, taking of a bribe, abuse of authority, commercial bribery or other illegal use by the natural person of the official capacity contrary to legitimate interests of society and state for obtaining benefit in the form of money, values, other property or services of property character, other laws of estate for itself or for the third parties or illegal providing such benefit to the specified person by other natural persons; b) commission of the acts specified in the subparagraph "an" of the present point from a name or for the benefit of the legal entity.

Anti-corruption - activity of federal organs of the government, public authorities of territorial subjects of the Russian Federation, local government bodies, institutes of civil society, the organizations and natural persons within their powers: a) according to prevention of corruption, including on identification and the subsequent elimination of the reasons of corruption (corruption prevention);

b) on identification, prevention, suppression, disclosure and investigation of corruption offenses (fight against corruption); c) on minimization and (or) mitigation of consequences of corruption offenses.

[3] According to the law anti-corruption in the Russian Federation is based on the following basic principles: 1) recognition, providing and protection of basic rights and freedoms of the person and citizen; 2) legality; 3) publicity and openness of activity of public authorities and local government bodies; 4) inevitability of responsibility for commission of corruption offenses; 5) complex use of political, organizational, information and propaganda, social and economic, legal, special and other measures; 6) priority application of measures for prevention of corruption; 7) cooperation of the state with institutes of civil society, international organizations and natural persons. (The federal law "On anti-corruption", 2008)]

As it is specified in Art. 13 of the Federal law "About Anti-corruption", citizens of the Russian Federation, foreign citizens and stateless persons for commission of corruption offenses bear criminal, administrative, civil and disciplinary responsibility according to the legislation of the Russian Federation:

1) a criminal responsibility (it is established by the Criminal Code of the Russian Federation: assignment or waste (p. 3 of Art. 160), abuse of authority (Art. 201), taking of a bribe (Art. 290), abuse of authority (Art. 285), inappropriate expenditure of budgetary funds (Art. 285.1), abuse of office (Art. 286), etc.

2) administrative responsibility (it is established by the Russian Federation Code of Administrative Offences): petty theft (Art. 7.27), inappropriate use of budgetary funds and means of state non-budgetary funds (Art. 15.14), illegal attraction to work of the civil officer (the former civil officer) (Art. 19.29), violation of a right to education and the rights provided by the legislation of the Russian Federation in the field of education and freedoms of students and pupils of the educational organizations (Art. 5.57), violation of requirements to conducting educational activity and the organization of educational process (Art. 19.30), etc.

3) civil responsibility: so, the ban on donation, except for usual gifts which cost does not exceed three thousand rubles, the civil officer in connection with their official capacity or in connection with execution of official duties by them (Art. 575 of the Civil Code of the Russian Federation) is established;

the transaction can be recognized invalid if it is established that it is concluded owing to corruption offense, standards of Art. 168-170 of the Civil code of the Russian Federation will be applied in this case (about invalidity of the transactions made on purpose, opposite to bases of law and order and morality; not corresponding to the law or other regulations; invalidity of imaginary and colourable transactions).

4) disciplinary responsibility.

At the same time, it should be noted also the defining role of public authorities of territorial subjects of the Russian Federation in realization of anti-corruption policy therefore legal regulation of activities for anti-corruption at the regional level is important also in the course of formation of anti-corruption culture of the teacher.

The analysis of the legislation of territorial subjects of the Russian Federation allows to note that public authorities of territorial subjects of the Russian Federation carry out considerable work on formation of legal, organizational and information mechanisms of anti-corruption. In general anti-corruption activity of territorial subjects of the Russian Federation is focused on implementation of the standards provided by the federal legislation on anti-corruption.

In municipal units a situation with implementation of special legal regulation of questions of anti-corruption in education approximately same, as well as in territorial subjects of the Russian Federation: the mention of specifics of prevention of corruption in the educational sphere is rare.

7. Conclusion

A legal basis are: The convention of the UN against corruption, the Constitution of the Russian Federation, the Federal law of 25.12.2008 No. 273-FZ "On anti-corruption", the Federal law of 29.12.2012 N 273-FZ (an edition of 07.03.2018) "On education in the Russian Federation", the Criminal Code of the Russian Federation, the Russian Federation Code of Administrative Offences of 30.12.2001 No. 195-FZ and also local acts educational the organizations, etc.

Formation of anti-corruption culture at teachers is important process within anti-corruption. Confirmation of this is the measures listed in the Article 6 "About Measures for Corruption Prevention". According to item 1 of Article 6. the present law, it is necessary to form in society intolerance to corruption behaviour. The main way of formation of intolerance lies through education and education of youth. There is a need for teachers with anti-corruption culture who will build in turn the correct educational process directed to formation at students of anti-corruption culture.

The need for teachers with anti-corruption culture is still. Therefore, this problem requires the fastest solution. It is necessary to intensify process of formation of anti-corruption culture at teachers. For successful realization of this process also methods of formation of anti-corruption culture are created presently and there is a full standard and legal base.

References

- Constitution of the Russian Federation. (1993). Retrieved from <http://www.constitution.ru/en/10003000-01.htm>
- Hamdeev, A. R. (2013). Pedagogical conditions of formation of anti-corruption culture of students. *Kazan Pedagogical Journal*, 6 (101), 112-116.

- Ibragimova, E.M., Zamaletdinov, R.R., & Amirova, D. K. (2010). *Formation of anti-corruption culture at pupils: the education guidance for pupils in grades 10-11*. Kazan, Russia: Magarif-Vakyt.
- Khamdeev, A. R., & Gadylshina, Z. I. (2016). Essentially-Content Characteristics of the Concept "Anti-Corruption Culture of Higher School Students". *Journal of Organizational Culture, Communications and Conflict*, 20, 95.
- Prokhorov, A. M. (2001). *Big encyclopaedic dictionary*. Saint Petersburg, Russia: Norint.
- Law of the Russian Federation. (2008). No. 273-FZ of 25.12.2008. On combating corruption.
- Law of the Russian Federation. (2012). No. 273-ФЗ of 29.12.2012. On education in the Russian Federation.
- UN General Assembly. (2003). *The United Nations convention against corruption*. Retrieved from http://www.un.org/ru/documents/decl_conv/conventions/corruption.shtml