

PEDTR 2019

18th International Scientific Conference “Problems of Enterprise Development: Theory and Practice”

ON THE CONCEPT OF CORRUPTION CRIME AT THE PRESENT STAGE

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Abstract

Today, corruption crime is a threat to the national security of the state. It has permeated all vital spheres of society. The economic sphere is particularly affected by the above-mentioned illegal acts. Corruption increases the outflow of money to the "shadow economy" and reduces the level of investment attractiveness, which generally leads to a decrease in economic growth. So, for the period from January to December 2019, 29,066 corruption crimes were registered, which is 0.5 % more for the specified period in 2018. Analysis of statistical data for the last 5 years shows that this growth is stable and every year law enforcement agencies of the Russian Federation detect more crimes. We believe that the study of anti-corruption crime issues is one of the priority tasks not only of the Russian Federation, but also of the international community as a whole. Improving the course of criminal law policy in the field of economic security will strengthen the authority of the Russian Federation as a modern legal and social state. At the same time, the impeccable practical experience of fighting corruption crime in our country can be used by foreign countries to modernize their own criminal law policy. To date, the Russian Federation is making active attempts to reduce the quantitative and qualitative indicators of corruption crime by introducing the latest mechanisms of criminal and legal protection of public relations in various fields, developing modern methods of investigating corruption crimes, and conducting active and fruitful work with the population.

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Keywords: Corruption, corruption crime, shadow economy, fight against crime, crime, bribery.



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1. Introduction

Modernization of modern criminal law policy in the fight against corruption is impossible without conducting research on the theoretical foundations of the above-mentioned phenomenon. In other words, this policy, as part of the social and state policy, will be insignificant, without studying the concept, characteristics and essence of corruption crime. This study is one of the attempts to solve general theoretical problems of corruption crime in the Russian Federation. Solving this problem, we believe, will allow us to achieve significant results, not only in the fight against corruption, but also against crime in general.

2. Problem Statement

There are many problems in this area. Among which there are problems of a General theoretical nature. Thus, to date, the Russian Federation does not provide a clear definition of corruption crime. At the legislative level in the Russian Federation, corruption crime is not fixed as an independent Chapter or section, which creates difficulties in defining it.

Researchers in the field of criminal law Sciences note that corruption crime should include some "official" and economic crimes (such as "giving a bribe", "receiving a bribe", "mediation in bribery", "commercial bribery", "small commercial bribery"). However, this position is controversial and is the subject of sharp discussions.

3. Research Questions

Domestic and foreign researchers have repeatedly asked questions about the theoretical and conceptual apparatus of corruption crime. However, the positions of foreign figures differ sharply from the ideas and views on this issue of domestic scientists.

This situation is explained by the difference between legal systems and the legislation regulating criminal law relations. For example, in France and England, there is no legislative consolidation of the concept of crime in legal documents, while in the domestic criminal law, this definition is reflected through the prism of its inherent features.

According to article 14 of the Criminal code of the Russian Federation (Criminal code of the Russian Federation dated 13.06.1996 N 63-FZ), a crime is a culpably committed socially dangerous act prohibited by criminal law under threat of punishment. In England and France, a crime is defined as a specific act that is prohibited from being committed. In other words, a crime can be understood as murder, theft, robbery, rape, and so on. We believe that the legal and regulatory consolidation of the above definition allows us to resolve disputes about crime or inaccessibility of acts.

Speaking of corruption crime, there is currently no legal basis for this definition in the Russian Federation. This gives rise to a number of sharp discussions about its definition and the list of acts that constitute corruption crime. Before formulating the concept of corruption crime, it is necessary to answer the question - what is corruption?

Professor Rubantsova (2017) defines corruption as a complex systemic and social phenomenon characterized by a complex of homogeneous socially dangerous acts, between which there are systemic connections that allow this phenomenon to adapt to the external environment. Klyukovskaya (2001)

believes that corruption is a part or system element of national crime. Dolgova (1992) believes that corruption is a social phenomenon, which is expressed in the bribery and venality of public servants, the mercenary use of criminals in the personal or interests of third parties available to them (public servants) official powers. In foreign legal science, such researchers as Cuervo-Cazurra (2016), Kolstad and Wiig, (2016), Li, Tang, and Huhe, (2016), Rock (2018), Relly and Hutchens (2019) and others were asked questions of corruption and corruption crime.

The studies of the above-mentioned authors differ significantly from each other due to the difference in the existing legal systems in the States they represent. They put special emphasis on the fact that corruption is currently a significant phenomenon of modern economic relations in society. Along with this social negative phenomenon is characterized by a high degree of "technicization". This means that criminals often use modern achievements of science and technology when committing illegal acts of corruption.

The positions of domestic and foreign researchers agree that corruption is a systemic and socially negative phenomenon. They also emphasize the importance of studying this phenomenon when developing a course of criminal law policy of the state. Based on the above positions, we formulate the concept of corruption crime. Corruption crime is a set of criminal acts that infringe on the interests of the service in state and local government bodies.

4. Purpose of the Study

The purpose of this research is to study the author's positions of domestic and foreign scientists regarding the definition of corruption crime. This will allow us to resolve a significant number of difficulties in improving the course of criminal law policy in the field of combating corruption crime at the present stage. And also to reinforced the authority of the Russian Federation in the international arena as a modern legal state.

5. Research Methods

This study was conducted on the basis of both general scientific methods of analysis, synthesis, deduction, generalization, and using scientific methods: comparative legal, system-structural. Comparative legal analysis was used to identify features of views on general theoretical issues on the subject under study. The system-structural method made it possible to generalize the main directions of legal thought and research on the subject under consideration and determine the vector of their further development.

6. Findings

Based on the results of this study, we have made the following conclusions:

Corruption crime is a serious threat to the national security of the Russian Federation. Its manifestations reduce the investment attractiveness of our state and slow down the pace of economic growth.

Modern criminal law policy of the Russian Federation has not brought the desired results, despite the adoption of a number of regulatory documents, there is a steady increase in corruption crime over the past 5 years. To date, there is no common understanding of the phenomenon under study. There is no legal

definition of corruption at the Federal level. It is found in departmental acts of law enforcement agencies, and is very controversial regarding the author's positions of researchers in the field of criminal law Sciences.

We believe that the solution of problems of combating corruption crime and the formation of an effective course of criminal law policy is possible only with an understanding of the fundamental theoretical foundations of the above-mentioned phenomenon.

7. Conclusion

In conclusion, I would like to note that corruption crime, as mentioned earlier, is transnational in nature and the fight against it is impossible only by the efforts of one state. To date, the Executive authorities are making active attempts cooperation in the fight against crime at the international level. Thus, the Prosecutor General's Office of the Russian Federation carries out international cooperation with similar bodies of foreign States in order to generalize the practical experience of fighting crime and its implementation in domestic law enforcement practice. Dmitry Medvedev, the Prime Minister of the Russian Federation, noted that in order to effectively combat corruption, it is necessary to develop an intolerant attitude to this phenomenon (Volkova, 2008). We share this point of view and believe that the Foundation of the fight against corruption is a comprehensive work with the population in order to improve the level of legal culture.

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