

FETDE 2020
International Conference on Finance, Entrepreneurship and Technologies in
Digital Economy

CRAWL OF GUARDING RULES OF LAW IN FIGHT AGAINST
CORRUPTION

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Abstract

In article guarding rules of law in general, and their role in the course of fight against crimes of corruption orientation are considered. Corruption definition is given, to be carried out the analysis of the statistical data connected with removal of conviction judgments for corruption orientation in the Russian Federation from 2016 for 2018. According to the authors, corruption is a moral decline of officials and politicians as a result of illegal enrichment, bribery, fraud and cooperation with mafia groups. The main objectives of public authorities in the field of fight against corruption manifestations are considered. These tasks include the following: suppression and prevention of law violation; harm elimination caused by unlawful acts of public relations participants; the penal function through the punishment for the committed act; compensation for moral and material damage; elimination of illegal behavior model; stimulating good behavior. Authors prove need of toughening of punishment for the considered crimes and also points to the special place of right realizable process in fight against corruption. Also authors argue there is a connection between the protective law standards and the anti-corruption acts of the state. Protective standards act as the state reaction to corruption-related crimes, and their implementation is the most effective way to eliminate the problem under discussion.

2357-1330 © 2021 Published by European Publisher.

Keywords: Government, corruption, crimes of corruption orientation, guarding rules of law



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1. Introduction

The successful resolution of social-economic and political problems is one of the main aims of the state. To achieve success, it is necessary to create a stable legislation system and to ensure conditions for the implementation of established standards. A high legal awareness of citizens will lead to the legal order, when all the human and civil rights and freedoms are respected and fully implemented.

Unfortunately, not all the social relations participants adhere to the appropriate behavior model in everyday activities. This leads to a breach of the current legislation, crime increase and it harms the society in general. Corruption-related crimes are especially distinguished, since their forms and manifestations are very diverse.

The crime prevention is a priority for the state. The creation of the law enforcement agencies system and the legislative framework, that establishes standards of the lawful behavior and punishment for the violation of these standards, are measures that resist crimes.

2. Methods

According to Zubkov (2004), violation of law and order creates a threat to the national security in the state, and therefore points out the necessity of strengthening Russian nationhood, improvement of federal relations and local self-government, the priority of federal legislation and improvement of the legislation of the territorial entities of the Russian Federation, development of the organizational and legal mechanisms for the state integrity protection, ensuring the unity of the legal space and national interests of the Russian Federation and strengthening the crime and corruption prevention.

To solve the assigned tasks in the crime prevention, a separate category of the legal norms is distinguished in the modern legal science. It is protective law. Protective standards act as a state reaction to the unlawful acts of public relations participants and contain enforcement actions for citizens, who have committed an illegal act. Due to these norms, the state prohibition becomes concrete. The public enforcement measures and its well-functioning application mechanism affect the legal order in society and motivate public relations participants to choose a lawful behavior model. Investigating this subject, Komarov (2012) notes that protective standards point out prohibited actions that cannot be performed, and dictate rules of behaviour.

Protective law performs the following tasks:

- Suppression and prevention of law violation;
- Harm elimination caused by unlawful acts of public relations participants;
- The penal function through the punishment for the committed act;
- Compensation for moral and material damage;
- Elimination of illegal behavior model;
- Stimulating good behavior.

The aims mentioned above show the value of the norms under discussion, since the state security depends on the quality of the protective law implementation.

3. Results

Nowadays the society and all the spheres of human life are dynamically developing. Certainly, this process has an impact on legislation. The same process is common to crime in general. Society and crime are developing alongside, at almost the same tempo. New illegal acts appear as a reaction of the criminal community to current trends (Dubonosov et al., 2019).

There is a clearly expressed need for society to develop a culture of combating crime today. Citizens expect from the law enforcement system not only and not so much the elimination of the consequences of crime and the fulfillment of formal performance indicators, as a deep orientation of law enforcement activities to the vital interests and needs of the population, which traditionally lie in the plane of ensuring their personal, property and public safety (Simonenko, 2019).

It cannot be denied that the socio-economic, political, legal, spiritual and cultural foundations of any society can be influenced not only by threats from the outside, but also threats within the country. Such an internal threat is undoubtedly corruption. Therefore, the fight against corruption, which can seriously undermine public confidence in the state and people's justice, should play an important role in public policy. In this regard, each government should have its own internal public-controlled anti-corruption programs (Yaxshilikov, 2019).

The fight against corruption in the Russian Federation is closely linked to issues of sustainable development of the state, crime prevention, which is reflected in the National Security Strategy of the Russian Federation. In this document, national security is understood as «the state of protection of the individual, society of the state from internal and external threats, which allows ensuring constitutional rights, freedoms, a decent quality and standard of living of citizens, sovereignty, territorial integrity and sustainable development of the Russian Federation, defense and security of the state». In addition, a significant place in this Strategy is occupied by issues of ensuring public safety aimed at protecting society, social groups and citizens from various kinds of offenses and crimes. Corruption is identified as one of the main sources of threat to the normal, sustainable development of Russia - along with the activity of international crime, the most diverse forms and manifestations of terrorist activity, the growth of criminal attacks against individuals, property, state power, public and economic security (Kobelev, 2019).

Corruption is a widespread crime, which is characterized by thorough preparation and organization. In the process of the development of corruption crime, the methods and methods of committing crimes are becoming more complicated, and the proportion of crimes committed in the process of professional and official activity is growing. The following circumstances determine the development trend of corruption crime: inactive participation of the state, law enforcement and regulatory bodies in legal regulation in the economic sphere, economic and legal nihilism in society, activity of the criminal world, pursuing its own interests in the economic sphere. Thus, the main factor for the formation of the rule of law is the fight against corruption (Borisova, 2019).

Thus, the fight against corruption is one of the most serious problems and serves as an indicator of the transparency and quality of governance in state, regional and municipal authorities. For an effective fight against corruption, a developed civil society is important. It is civil society institutions that play an important role in reducing or minimizing corruption. Civil society should play a more practical role in

promoting transparency in the provision of public services, advocacy, in order to more effectively combat corruption (Khayrutdinova, 2019).

4. Discussion

One of the most charged matters in the criminal world is corruption. In the defining dictionary edited by Ushakov (2008) “corruption” refers to bribery, illegal gratification of officials. In the dictionary edited by S.I. Ozhegov there is a more detailed definition of this phenomenon. Corruption is the moral decay of officials and politicians through the unlawful enrichment, bribery, fraud and cooperation with mafia formations (Ozhegov & Shvedova, 2010).

Corruption-related crimes are developing constantly. This phenomenon exists in all states, regardless of the level of economic, social and political development. Corruption-related crimes are a problem of the state, and the fight against these crimes is an important policy direction, because corruption crimes lead to a decrease in the effectiveness of state institutions, loss of public confidence in the authorities, impossibility to realize legal rights and freedoms and a decrease in the role of law in the state (Kuzmin & Malinina, 2019).

Nowadays the fight against corruption in the Russian Federation is becoming systemic. The main aspects in this field are inevitability of punishment for corruption-related crimes, elimination of the conditions for the development of corruption, a deep analysis of the current legislation for possible “loopholes” for the corruption acts.

According to the judicial department of the Russian Federation, in 2016 19,905 guilty verdicts were issued to persons accused of corruption-related crimes. In 2017 the number is equal to 17,734 guilty verdicts. In 2018, the number of guilty verdicts was 16,607 (The web site of the judicial department of the Russian Federation, 2020).

From the above statistics, one can see a decrease in the number of guilty verdicts of corruption-related crimes. This fact does not mean that the crime rate in this area is decreasing.

The conviction of corruption cases is the final stage in the fight against the phenomenon under discussion. To achieve a positive result, according to the Decree of the President of the Russian Federation on June 29, 2018 No. 378, a national anti-corruption plan for 2018-2020 was adopted. In accordance with this document, the main aims of the fight against corruption were formulated. They are:

1. improving the system of prohibitions, restrictions and requirements established in order to fight against corruption;
2. the uniform application of the Russian Federation legislation on the fight against corruption in order to prevent and control conflicts of interest;
3. improvement of anti-corruption acts in the field of central and local government procurement of goods, work, services and in the procurement of goods, work, services by certain types of legal entities;
4. improvement of anti-corruption acts in the business sector, including the protection of business entities from abuse of official position by officials;
5. systematization and updating of the legal and regulatory framework on anti-corruption issues and eliminating loopholes and contradictions in the anti-corruption legal regulation;

6. effective international cooperation in the fighting against corruption, strengthening the international authority of Russia (The Russian Federation Presidential Decree “On The National Anti-Corruption Plan for 2018-2020”, 2018).

The effectiveness of the fight against corruption directly depends on the implementation of established legal norms. To specify the body of the corruption-related crimes, the Office of the Procurator General of the Russian Federation together with the Ministry of Interior issued a Decree dated December 27, 2017. According to the Decree, lists of articles of the criminal code of the Russian Federation were brought into force. They are used in the statistical reports. The Decree indicates distinctive features of corruption-related crimes. According to the established lists, features of corruption-related crimes are:

- the availability of the proper subjects of a criminal offense, which include officials, referred to in the notes to Art. 285 of the Criminal Code, persons performing managerial functions in a commercial or other organization, acting on behalf of a legal entity, as well as in a noncommercial organization that is not a public body, local government, state or municipal institution, indicated in the notes to Art. 201 of the Criminal Code;

- connection of the act with the official position of the subject, a deviation from his direct rights and obligations;

- the subject's lucrative impulse (the act is related to obtaining property rights and benefits for him-/herself or for third parties);

- committing a crime with a direct intention (The Office of the Procurator General of the Russian Federation n 870/11 the Ministry of Interior of the Russian Federation n 1 The Decree for Enactment of the Lists of Articles of the Russian Federation Criminal Code..., 2017).

5. Conclusion

Under the current conditions, the modern Russian legislation responds to changes in the problem sphere in due time. The creation and implementation of protective standards in the fight against corruption is an important and effective measure of solving the problem under discussion. The Criminal Code of the Russian Federation provides for punishment for public-order crimes, public-service crimes and crimes against local authorities. Chapter 30 of the Criminal Code contains bodies of corruption-related crimes. This chapter ensures the responsibility of officials for committed unlawful acts. Thus, there is a connection between the protective law standards and the anti-corruption acts of the state. Protective standards act as the state reaction to corruption-related crimes, and their implementation is the most effective way to eliminate the problem under discussion.

The problem of corruption-related crimes is not limited to the Russian Federation borders. Thus, it is necessary to develop international cooperation in this area. The Russian Federation takes the leading positions in the legislative implementation of the international anti-corruption convention requirements: almost all the obligations under international treaties adopted by international organizations both at the universal and regional levels (The United Nations, Council of Europe, Group of States against Corruption, Organization for Economic Cooperation and Development) are being quite successfully fulfilled (Ivanov et al., 2018).

In order to achieve positive results in the fight against corruption, it is necessary to employ a complex approach. The main point of this approach should be a tougher punishment for the crimes under discussion, a more scrupulous implementing of protective standards at all levels. The state punitive treatment will positively affect the public order and help minimize the corruption impact on the state and society.

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