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ANTI-CORRUPTION EXPERTISE AS A FACTOR IN IMPROVING
PUBLIC ADMINISTRATION

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Abstract

In the modern world, the fight against corruption is one of the urgent problems that require effective countermeasures. The article considers the problems of legal regulation of anti-corruption expertise as a measure to counteract corruption and suggests ways to solve them. The authors emphasise the special role of subjects of anti-corruption expertise. The paper concludes with the author's proposals about improving the process of anti-corruption expertise, which will further reduce the level of corruption and improve the quality of regulatory projects. The aim of the study has been achieved: the authors have developed proposals to improve the process of anti-corruption expertise. The authors of the article propose, to eliminate all exceptions to the checks, making them mandatory for each regulatory project. This will make it possible to fight corruption more fully. It allows abandoning internal checks due to their possible inefficiency. If all the proposed aspects are implemented, the quality of adopted normative-legal acts will additionally increase and the level of corruption will decrease. All of this will have a favourable impact on the quality of life of citizens and the efficiency of state functioning. In order to improve anti-corruption legislation, we believe that it is necessary to make the prosecutor's request, which he introduces to the supervised objects in case of detection during the anti-corruption examination of normative-legal acts.

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1. Introduction

One of the reasons for the existence of corruption in modern Russia is the imperfection of legislation, which undermines democratic institutions of the state, creates a threat to the security of society and violates the rule of law. Corruption manifests itself in the deformation of public authority, expressed in illegal actions of an official aimed at obtaining personal gain. The fight against corruption is one of the most pressing issues not only in Russia, but also in other countries.

In order to eliminate this phenomenon at the international level, the UN Convention against Corruption (hereinafter – the Convention) was adopted, which was ratified by the Russian Federation in 2006. Article 5 of the Convention enshrines the obligation of States parties to conduct an assessment of legal acts aimed at identifying corruption factors. In order to implement the provisions of the Convention, the Russian Federation adopted the Federal Law "On Combating Corruption" (hereinafter – Federal Law No. 273), which establishes the basic principles of the fight against corruption.

In Article 6 of the Federal Law No. 272, among other anti-corruption measures, the legislator specifies anti-corruption expertise of normative legal acts and their drafts. Legal regulation of anti-corruption expertise is carried out by the Federal Law "On anti-corruption expertise of normative legal acts and drafts of normative legal acts" (hereinafter, Federal Law No. 172). There is the Decree of the Government of the Russian Federation "On anti-corruption expertise of normative legal acts and drafts of normative legal acts", the Order of the General Prosecutor of the Russian Federation "On anti-corruption expertise of normative legal acts and drafts of normative legal acts. These include the Order of the General Prosecutor of the Russian Federation "On the implementation of prosecutorial oversight and realisation by prosecutors of other powers in the field of combating corruption". Corruption remains an important problem in Russia; this is proved by various international ratings and statements of the highest echelons of power regarding this phenomenon. As a result, many mechanisms have already been created to strengthen the fight against corruption in the Russian Federation. Each of them is responsible for its own section or direction, forming a multidimensional fight. One of them is anti-corruption expertise of draft regulatory legal acts. Let us note that additionally such examination allows making the lawmaking process qualitative, since the future law will be studied from another important side. All this forms the relevance of the work.

2. Problem Statement

Anti-corruption expertise of draft regulatory legal acts is a way to prevent corruption. This is so because any legislator who knows about this mandatory check realises that, if a corrupt element is identified, the act will not pass, and he will be punished (Karakayev et al., 2019). The result of such check is draft regulations that a priori do not have a corruption component, which makes them of higher quality. It is important to note that the legislation specifies the following. There are a number of normative acts not subject to anti-corruption expertise. These are Acts of an individual nature, involving actions in relation to one person or legal entity; Acts involving a single application; Regulatory agreements formed by local self-government bodies. In our opinion, although this list of exceptions is relatively justified (even if corruption is observed, it will be insignificant. By checking all draft regulatory acts, the number

of checks will increase dramatically), it should not exist. The reason is that corruption should be eliminated everywhere and completely. If there are such exceptions, they are the ones that the corrupt will emphasise.

Moreover, by forming a number of acts of individual character at once, an official will be able to form conditions for the implementation of corruption schemes. As a result, according to the author of the article, it is necessary to completely eliminate exceptions in order to fight corruption in the most effective way. It should be noted that all draft laws and regulations, with a number of exceptions already presented, are subject to anti-corruption checks. Despite this, there are situations in which not all shortcomings have been eliminated. In order to be able to fully complete the anti-corruption work in relation to a particular act, the Government has created the possibility of conducting another check for any already adopted act. The reasons may be: 1. Appeal of a citizen, 2. Information from the media, the Internet, 3. Judicial practice and so on. As a result, the repeated verification will emphasise the elements that persons considered corrupt, which will give an opportunity to further improve the quality of the normative document.

3. Research Questions

The scientific article examines the problems of legal regulation of anti-corruption expertise as a measure to combat corruption and suggests ways to solve them. The special role of the subjects of anti-corruption expertise is emphasized. The issues of improving the process of anti-corruption expertise are considered, which will further reduce the level of corruption and improve the quality of regulatory projects.

4. Purpose of the Study

The purpose of the study is to study the features of the anti-corruption expertise of municipal legal acts as a fundamental factor in the improvement of state and municipal management

5. Research Methods

The most difficult thing in confronting corruption is the formation of further actions on the way to overcome it, namely to minimise all possible risks that lie on all subjects of the Russian Federation. It is believed that the fundamental structure in the fight against corruption is systematicity and control, i.e. every object that may be involved in an attempt to commit a corruption offence should be repeatedly checked on a mandatory basis (Kondratyev et al., 2018). However, scientists in this matter, after conducting various studies, were able to form various legal functional structures that were not characterised by such rigid methods as described above. Based on the research conducted over the subject of conducting research over legal documents in the corruption sphere of the Russian Federation, we can accurately state that this activity belongs to a large spectrum of research. However, it is possible to classify it as one of the group of the stage of legal documents checks, as this procedure fully meets the given requirements. The implementation of the check on the corruptibility of various legal subjects of the Russian Federation is carried out by the authority attached to the issue. It operates throughout the territory

of the Russian Federation, due to which it has its own city and regional legal bodies dealing with anti-corruption. Let us refer to Article No. 6 of 2008. "This article is a set of approved laws that stipulate the rules for conducting corruption audits, but for the first time it starts to be listed at the federal level and serves as one of the six parts of the corruption notice. Also according to Article 1.3 of Article 1 No. 273-FZ, the legality of anti-corruption measures applies to each constituent entity of the Russian Federation. The legality of the anti-corruption measures policy is approved at the federal level after analyses carried out by experts in the field. From Federal Law No.172 under the title "On anti-corruption expertise of normative legal acts and draft normative legal acts", it is possible to distinguish formed functional measures, for the design of which it is necessary to follow the order to conduct all structural actions related to the manifestation of corruption. This law enshrines the legal and organisational fundamentality related to the examination and to the elimination of the offence, preventing a repeated manifestation (Lantseva, 2021). With each year, innovation of the institutions of research of legal documents on the territory of the Russian Federation develops and requires more support for this (Abramyan & Golubkina, 2021a).

6. Findings

These legal independent organisations are aimed at research and analysis of legal documents in various subjects of our country and act to detect and eliminate corruption (Abramyan & Golubkina, 2021b). Anti-corruption expertise of draft regulatory legal acts can be of the following types: internal (it is carried out by the structures of a certain lawmaking body) or external (implemented by independent persons, for example, individual experts, representatives of the prosecutor's office and other employees). They can be official (persons carry out it because they are obliged to do so, based on the legislation) or independent (implemented by persons who have received accreditation from the Ministry of Justice of the Russian Federation; they can be both citizens and representatives of legal entities), including expertise of a federal, regional or municipal project. In this case, too, a shortcoming can be observed. In our opinion, it is necessary to abandon the internal review or make it additional and optional. The reason is that this would reduce the risks of collusion between participants of the same organisation for corruption purposes. Only external verification will provide the most complete and accurate information about the absence of corrupt elements.

7. Conclusion

To summarise, we conclude that anti-corruption expertise of draft legal acts in Russia can be improved by a number of innovations.

The authors of the article propose, firstly, to eliminate all exceptions to the checks, making them mandatory for each regulatory project. This will make it possible to fight corruption more fully. Secondly, it allows abandoning internal checks due to their possible inefficiency. If all the proposed aspects are implemented, the quality of adopted normative-legal acts will additionally increase and the level of corruption will decrease. All of this will have a favourable impact on the quality of life of citizens and the efficiency of state functioning.

Thirdly, in order to improve anti-corruption legislation, we believe that it is necessary to make the prosecutor's request, which he introduces to the supervised objects in case of detection during the anti-corruption examination of normative-legal acts. To do this, the legislation should enshrine a system of liability measures for ignoring such requirement of the prosecutor (Zaslonov & Golovina, 2021). We also consider it necessary to provide the supervised object with the right to appeal the prosecutor's request in case of disagreement with it. That will allow one to express disagreement not by "mere silence", but by an independent appeal to the court. This will make it possible not to apply liability measures to the supervised object, which really disagrees with the fulfilment of the prosecutor's request, and not simply does not fulfil it due to unwillingness. These measures will make it possible to improve the mechanism of fulfilment of the prosecutor's requirements to change a legal act, exclude a negligent attitude of supervised entities, and, consequently, increase the effectiveness of the fight against corruption. In addition, these measures will reduce the burden on the judiciary (since only justified disagreements with the prosecutor's demands will be submitted to the court) and prosecutors (due to the fact that the obligation to apply to the court will be delegated to the supervised entities).

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